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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: VIII

DATE: Thursday, May 19th, 1988

BEFORE:

M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140,

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St.
Thunder Bay, Ontario, on Thursday,
May 19th, 1988, commencing
at 9:30 a.m.

VOLUME VIII

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

MR. V. FREIDIN)	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
MS. J. SEABORN)	
MR. R. TUER)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIOO
MS. E. CRONK)	LUMBER MANUFACTURING
MR. P.R. CASSIDY)	ASSOCIATION
MR. J. WILLIAMS	ONTARIO FEDERATION OF
	ANGLERS & HUNTERS
MR. D. HUNTER	NISHNAWBE-ASKI NATION
	and WINDIGO TRIBAL
	COUNCIL
MR. F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
	LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA
	LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	

APPEARANCES: (Cont'd)

MR. J. W. ERICKSON)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	PRODUCTS
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON

(iii)

APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
27	Document entitled: Resource Management-Working Together.	1401

1 ---Upon commencing at 9:45 a.m.

2 THE CHAIRMAN: Thank you very much,
3 ladies and gentlemen, please be seated.

4 I apologize for the slight delay in
5 commencing this morning.

6 Before we start with cross-examination by
7 Mr. Williams, I wanted to briefly deal with the
8 submission and proposal put forward by the Ministry of
9 Natural Resources with respect to the topic of agreed
10 statements of fact.

11 Have all counsel now had an opportunity
12 to review that material, and is there anybody who is in
13 disagreement with that proposal and, if so, if you
14 would make your views known at this time.

15 What the Board proposes if there is not
16 any substantial disagreement is to, in effect, issue a
17 further procedural directive which I can read into the
18 record at this time on that topic.

19 Is there anybody that wants to make any
20 any further comment?

21 MS. SEABORN: I would, Mr. Chairman, like
22 to see the date of when we advise MNR as to whether or
23 not we are in agreement with the statement of facts to
24 be the same date or closer to the same date as that
25 which we have to submit interrogatories.

1 My problem is this: As you will see on
2 page 2, the attachment, they have listed a date of June
3 13th for advising MNR whether or not we are in
4 agreement with the evidence. And it seems to me that
5 we would probably need, in order to circulate it and
6 get comments from our people, the same amount of time
7 as we require to do interrogatories.

8 So that would be my only comment,

9 If those two dates could be the same date
10 to either file interrogatories within 30 days or you
11 advise MNR that you won't be filing interrogatories and
12 that you are in agreement with the evidence going in.

13 MR. FREIDIN: I think the reason for the
14 difference in dates was Ms. Murphy was thinking that if
15 somebody wrote back and said, you know, if you change
16 this little sentence we are in agreement, we could
17 canvass people quickly on that particular matter and
18 make that change.

19 THE CHAIRMAN: Would it be necessary for
20 the Board really to specify a date, because if the
21 parties do not agree, they do not agree.

22 MS. SEABORN: That would be fine.

23 THE CHAIRMAN: And perhaps leave it like
24 that, because that would allow for parties who do
25 respond in a timely fashion for that process you are

1 suggesting, Mr. Freidin, to take place.

2 I mean, it is not the date that they
3 reply I think that is important, it is really whether
4 or not there is agreement on the statement of facts.

5 MR. TUER: Certainly from my point of
6 view, Mr. Chairman, it's unrealistic to expect that I
7 am going to be able to have any instructions by June
8 the 13th with respect to this package.

9 I am going to endeavour to get an answer
10 and I hope it will be positive, but I certainly -- the
11 number of people I have to circulate this to does not
12 realistically permit me to say that June 13th is a date
13 that I can meet.

14 MR. FREIDIN: It will be June 20th.

15 THE CHAIRMAN: Okay. If that is sort of
16 the sum and substance of comment on that package, then
17 I would like to read in the following statement to the
18 record:

19 In furtherance of the Board's desire to
20 explore ways in which to expedite the presentation of
21 evidence which is not in dispute, the Ministry of
22 Natural Resources yesterday outlined a proposal for
23 dealing with such evidence to be filed with the Board
24 as an agreed statement of fact.

25 This proposal was distributed to the

1 parties in attendance at the hearing and reviewed by
2 the Board and received the support of counsel for all
3 of the said parties present.

4 The Board is also of the view that this
5 proposal will further the hearing process and,
6 accordingly, issues the following procedural
7 directives, and this would be headed Agreed Statements
8 Of Fact:

9 Where a party wishes to present evidence
10 to the Board of a factual non-contentious nature upon
11 which that party believes there will be agreement or
12 substantial agreement on the part of other parties, the
13 following procedures shall apply:

14 (1) The party wishing to present such
15 evidence, by filing the same as an agreed statement of
16 fact, shall distribute this document or documents,
17 which may be in the form of a witness statement, in the
18 same manner and to the same parties as are required to
19 be served with witness statements in accordance with
20 the Board's earlier procedural directives dealing with
21 witness statements and interrogatories;

22 (2) The parties seeking to file evidence
23 by way of an agreed statement of fact shall seek the
24 written agreement from parties receiving full-time
25 correspondence that the facts stated in these statement

1 of facts are accurate and that it is unnecessary to
2 cross-examine witnesses with respect to this evidence;

3 (3) All other parties on the parties'
4 list not receiving full-time correspondence will be
5 notified by the parties submitting such evidence of its
6 acceptance as an agreed statement of fact by parties
7 receiving full-time correspondence and will be further
8 advised that once the statement of fact has been filed
9 with the Board, they may still exercise their right to
10 submit interrogatories in accordance with the Board's
11 earlier procedural directives relating to
12 interrogatories;

13 (4) Parties who do not agree on the
14 submission of the documentation as an agreed statement
15 of fact may submit interrogatories and cross-examine in
16 the normal manner;

17 (5) In cases where there is agreement by
18 parties receiving full-time correspondence, the parties
19 submitting the agreed statement of fact shall not call
20 witnesses to present this evidence and, upon filing
21 this statement of facts with the Board, the information
22 contained therein shall form part of the evidence
23 relating to this hearing.

24 The Ministry of Natural Resources has
25 indicated its intention to seek agreement of the

1 full-time parties to have the evidence in relation to
2 witness Panel No. 5 treated as an agreed statement of
3 fact and the Board hereby directs the Ministry to
4 proceed in accordance with these procedural directives.

5 The Board wishes to thank the Ministry of
6 Natural Resources and the other parties in attendance
7 for their assistance in exploring these ways to
8 expedite the presentation of evidence at this hearing.

9 That constitutes, in effect, a further
10 procedural directive related to the hearing, and you
11 can see that the Board has treated it not just with
12 respect to the proponent but, it can be applicable, if
13 it works out, to any other party to these proceedings.

14 And I think the Board will endeavour to
15 reduce this to writing and circulate it amongst
16 everybody on the party list.

17 MR. FREIDIN: I just wanted to ask about
18 that. If we are going to proceed today, which is what
19 we were hoping to do, we wouldn't be able to serve the
20 actual directive of the Board. I don't see that that's
21 a problem.

22 THE CHAIRMAN: Sorry, you would not be
23 able to...?

24 MR. FREIDIN: We wouldn't be able to
25 serve the document, along with the correspondence --

1 the draft correspondence that you were provided copies
2 with.

3 THE CHAIRMAN: This document -- sorry,
4 the...

5 MR. FREIDIN: You made the directive.

6 THE CHAIRMAN: Yes.

7 MR. FREIDIN: If we have to wait for the
8 actual directive signed by the Board to send along with
9 this page, then we won't be able to serve the panel
10 statement until next week.

11 What I am saying is: I don't see any
12 problem in serving the document along with the letter
13 that Ms. Murphy referred to yesterday without the
14 procedural directive, and I am just asking any
15 direction you can give in relation to that.

16 THE CHAIRMAN: No, I do not think that
17 would be a problem. What we may try and do for you is
18 issue this in writing today.

19 MR. FREIDIN: It is a long ways off, but
20 we are concerned about getting this thing served to
21 cover off time periods. I am advised that everything
22 is ready to go today and...

23 MR. TUER: I think the Board's directive
24 should be served with the material, Mr. Chairman.

25 THE CHAIRMAN: Okay. Well, what I am

1 suggesting is is that it is probably only two pages'
2 worth. We can probably get it typed up today and
3 issued today, and if we give you a copy of it, you can
4 photocopy it and send it along with; can you not?

5 MR. FREIDIN: It probably won't get out
6 today because we won't have any staff here to do it,
7 that's all, if we get it at the end of the day.

8 THE CHAIRMAN: Well, we certainly cannot
9 reproduce it in sufficient copies nor serve it
10 ourselves.

11 So what we are prepared to do, I think,
12 is to give you a typed, signed copy of this directive
13 and, if you can reproduce it and send it along with
14 your witness statements when you send them out, I think
15 that would facilitate everything coming along together.

16 MR. FREIDIN: All right. That's fine.

17 THE CHAIRMAN: Mr. Williams?

18 MR. WILLIAMS: Mr. Chairman, can you just
19 refer back to -- I think it was Clause 4 in your
20 directive. I am not sure whether there is an ambiguity
21 in there or not, or I misunderstood what it was saying.

22 THE CHAIRMAN: Clause 4 was:

23 Parties who do not agree on the
24 submission of the documentation as an agreed statement
25 of fact may submit interrogatories and cross-examine

1 witnesses in the normal manner.

2 In other words, nothing will change.

3 MR. WILLIAMS: Right.

4 THE CHAIRMAN: If the parties do not
5 agree, the proponent will decide what witnesses it
6 wishes to call, and the other parties will have the
7 normal rights of cross-examination.

8 MR. WILLIAMS: I am just confusing the
9 term parties referring to full-time and part-time and
10 those who are not in attendance, but...

11 THE CHAIRMAN: Well, any party in
12 attendance would have the right to cross-examination.

13 I mean, I do not think cross-examination
14 is limited just to those full time parties. If any
15 party who is not a full-time party wishes to attend
16 here in Thunder Bay and cross-examine, they would
17 cross-examine in the order according to their interest.

18 MR. WILLIAMS: No problem.

19 MS. SEABORN: Mr. Chairman, I take it Mr.
20 Freidin on the second page of this package will then
21 take out the reference that there is a specific date
22 that parties must advise MNR as to whether or not they
23 are in agreement.

24 And also on page 5, again, there is a
25 reference to the June 13th date and that would be taken

1 out of the package before it is served.

2 MR. FREIDIN: I thought that would still
3 be June the 20th.

4 MS. SEABORN: No, I am not referring to
5 your interrogatory date which is the date under the
6 first draft, I am talking about the June 13th date.

7 As Mr. Tuer pointed out, there really
8 wouldn't be a need to have any date at all, you would
9 either submit an interrogatory or you don't.

10 THE CHAIRMAN: It would not affect the
11 date for submitting interrogatories with respect to a
12 normal witness panel statement, in any event.

13 MR. FREIDIN: I agree with that, but
14 people who do not have to submit interrogatories can
15 cross-examine. The answers to the interrogatories
16 could be served at a time where we have only got two
17 weeks in which to answer interrogatories.

18 If we don't know within two weeks of the
19 panel going on whether there is an agreement, we won't
20 know whether we should be spending time preparing
21 witnesses to give evidence in two weeks.

22 That's my problem.

23 THE CHAIRMAN: Well, that may be a
24 problem, so I would suggest that it is in the interest
25 of the proponent to canvass the parties, as best they

1 can, to seek agreement.

2 In other words, I do not think you can
3 place a burden on the parties in reviewing the
4 documentation and deciding whether or not they are in
5 agreement with it, to have to do it within certain
6 times which are less than the times that they would
7 normally have to do it under the dates that we have
8 established for interrogatories.

9 MR. FREIDIN: I am not trying to get that
10 response any earlier than the time that they would have
11 to respond to interrogatories.

12 If you remove the June 20th date which
13 then is our -- again, it is a projection, as to what is
14 the last date that you have to serve these things
15 having regard to when the evidence panel is going to
16 take the stand.

17 MS. SEABORN: Well, Mr. Chairman, I would
18 suggest that if on June 20th, whatever the date is for
19 the interrogatories, if a party has not submitted
20 interrogatories and they have not advised Mr. Freidin
21 as to what their position is, there would be a limited
22 number of full-time parties that his office would have
23 to contact to find out if the intent of no
24 interrogatories is that they were in agreement with the
25 agreed statement of facts.

1 THE CHAIRMAN: Mr. Tuer?

2 MR. TUER: Being practical, Mr. Chairman,
3 the fact of the matter is that if Mr. Freidin gets
4 notification, even the day before the panel was going
5 to give evidence, that everybody is in agreement, we
6 are still yards ahead and I don't think any of the
7 parties want to be bound to make that decision by any
8 specific date.

9 In my case, I can't, and this panel may
10 not come on -- this panel's evidence may not be
11 presented to you until some time in July, I don't know.
12 Nobody knows.

13 THE CHAIRMAN: No, I think that is
14 reasonable, Mr. Tuer.

15 Mr. Freidin, I do not think we can, in
16 trying to expedite the presentation of evidence, really
17 put the parties under any more onerous obligations to
18 review the documentation which, as you are aware, is
19 very voluminous in connection with this hearing until
20 they would normally have to do so in the normal course
21 before the presentation of the panel.

22 And I agree with Mr. Tuer, that should
23 you obtain agreement, we will be saving, in effect, all
24 of the time that that panel would normally take in
25 presenting evidence and being cross-examined. So there

1 will be a saving if this scheme works.

2 I think it is worth a try, ladies and
3 gentlemen, to at least see whether or not some proposal
4 like this has any chance of success. Obviously if it
5 does not and it proves to unworkable, we will either
6 have to abandon it at a later stage or modify it, but I
7 do think it is worth a try at this point.

8 Are there any other comments in
9 connection with this?

10 (no response)

11 We will attempt to have this typed up
12 during one of the breaks and present it to you before
13 we rise today.

14 Mr. Williams, are you ready to proceed?

15 MR. WILLIAMS: Thank you, Mr. Chairman,
16 and members of the panel.

17 What I would like to do, Mr. Chairman, is
18 address some questions to Mr. Monzon, first of a
19 general nature, and then dealing with some other
20 matters that are specifically set out in the statement
21 of evidence, followed by some further questions of Mr.
22 Douglas.

23 RICHARD M. MONZON,
24 LARRY A. DOUGLAS, Resumed

25 CROSS-EXAMINATION BY MR. WILLIAMS:

1 Q. Mr. Monzon, during your early
2 testimony dealing with your qualifications as an expert
3 witness, you described the area of the undertaking as a
4 land mass of some 385,000 square kilometres and
5 indicated to us by use of Exhibit 11, which is a map of
6 the province, the boundaries of the undertaking.

7 In the same manner -- the Class EA itself
8 describes the area of the undertaking in the same
9 manner.

10 Particularly after having heard
11 cross-examination yesterday by Mr. Hunter dealing with
12 some specific concerns over boundaries, I think it
13 would be appropriate if we were able to describe the
14 area, other than by visual reference and, in that
15 regard, I am wondering if you can assist myself and the
16 Board to try and come to a more meaningful verbal
17 description of the area of the undertaking.

18 For this purpose, would you go to Exhibit
19 11, please. I just have three or four questions that I
20 am going to ask you to perhaps give us a better verbal
21 description of what the area of the undertaking is.

22 There are two red lines running
23 irregularly in a east/west direction across the
24 province, from its western boundary to its eastern
25 boundary; is that correct?

1 MR. MONZON: A. That's correct.

2 Q. Can you indicate with your pointer
3 the 46th parallel of latitude, perhaps starting at the
4 west.

5 A. I believe that --

6 Q. Would it be fair to say that it is
7 Drummond Island as being the most westerly land point?

8 A. Yes, that's correct, right there.

9 (indicating)

10 Q. And running across that would take
11 you to the easterly limit at about Chalk River
12 approximately on the Ottawa river?

13 A. Yes, that's correct.

14 Q. All right. Is it correct that the
15 most southerly red line depicting the southerly limits
16 of the undertaking are totally below or south of that
17 parallel of latitude?

18 A. Yes, that's correct.

19 Q. Could you now indicate with your
20 pointer the 50th degree of latitude beginning at the
21 west, where I think you will find the town of Minaki as
22 a geographical reference point; is that correct?

23 A. That's correct.

24 Q. The town of Minaki is virtually on
25 that parallel line.

1 A. Yes.

2 Q. And running across to the easterly
3 limit, I am not sure that there is an easily
4 describable geographic reference point, but maybe that
5 could be determined at a later point in time.

6 A. I would suggest the 50 degrees and
7 just south of Kesagami Lake.

8 Q. In any event, is it correct that the
9 northerly irregular red line, marking the northerly
10 area of the undertaking, geographically, is totally
11 north of the 50 degree of latitude?

12 A. Yes, I believe so. In terms of where
13 this line precisely is, it is either on or north of.

14 Q. So I would be correct in saying that
15 across the total width of the province the area of the
16 undertaking is certainly, including the whole province,
17 lying between the 50th degree of latitude and the 46th?

18 A. Yes.

19 Q. Would it be possible - not today of
20 course, Mr. Monzon - but would it be possible to
21 provide to the Board, in due course, the determination
22 in terms of square kilometres and percentages, the area
23 between those two lines parallel, 46th and 50th, and in
24 the same manner, derive for us the information
25 pertaining to the areas north of the 50th to the

1 northerly boundary line of the undertaking and south of
2 the 46th to the southerly limit of the undertaking.

3 Could that information be provided in due
4 course?

5 A. For the areas of land and water as a
6 whole?

7 Q. I just want the -- yes, in terms of
8 square kilometres and percentage, the percentage of the
9 whole area of the undertaking.

10 A. Yes, it can be done. I just want to
11 make sure that we are going to include this portion of
12 Lake Superior and....

13 Q. No.

14 A. No, just...

15 Q. Just the land mass.

16 A. Just the land mass.

17 Q. Thank you.

18 MR. FREIDIN: And the water contained
19 within that land mass.

20 MR. WILLIAMS: Of course.

21 That's a starter, because probably as we
22 get into the hearing we will need more detail to locate
23 those northern and southern boundaries but, I think
24 that at least helps us to get a better assessment, in
25 verbal terms, of the area of the undertaking.

1 Do you have any questions there?

2 MR. MONZON: The only one would be a
3 clarification for our cartographers, and I take it you
4 are not too concerned, in terms of where a river comes
5 into a lake, where we draw the line across the boudary.

6 MR. WILLIAMS: No.

7 MR. MONZON: Fine.

8 MR. FREIDIN: Can it be approximate?

9 MR. WILLIAMS: Yes.

10 Q. Mr. Monzon, if we can turn to your
11 statement of evidence, paragraph 4, and the related
12 Exhibit 8 is the Northeastern Ontario Land Use Plan --
13 Strategic Land Use Plan.

14 First of all, with regard to paragraph 4,
15 in your statement of evidence you state that the
16 overall goal of the Ministry of Natural Resources is
17 "To provide opportunities for continuous
18 economic and social benefit to the people
19 of Ontario through the development and
20 conservation of Ontario's natural
21 resources."

22 Is that correct?

23 MR. MONZON: A. Yes, that's correct.

24 Q. If I might refer you then to Exhibit
25 8 and page 8, in particular.

1 Page 8 deals with the environment and the
2 objectives set out thereunder are that:

3 "The Ministry of Natural Resources will
4 be committed to maintaining and improving
5 overall environmental quality. All
6 management programs of the Ministry will
7 be subject to the Environmental
8 Assessment Act."

9 Do you agree?

10 A. Yes, that's correct.

11 Q. Okay. Given those two matters before
12 us, would it not appear that the Ministry's definition
13 as set out in your statement of evidence is, not to say
14 the least, outdated and no longer adequate to deal with
15 the issues at hand?

16 A. I think our view would be that the
17 reference to resource conservation is -- in not only
18 the goal statement, but also in the reference to that
19 in the program objectives, certainly signifies the
20 intent of the Ministry relative to the maintenance and
21 our commitment to environmental quality.

22 Q. Given that point of view, I presume
23 that if the definition had been a little more expansive
24 to adding and including a clause that would read:
25 Within an acceptable environmental framework, or words

1 to that effect, you would have no difficulty with that
2 type of definition of the overall goals of the
3 Ministry?

4 So that the definition would be: To
5 provide opportunities for continuous economic and
6 social benefits for the people of Ontario through the
7 development and conservation of Ontario's natural
8 resources within an acceptable environmental framework?

9 A. Well, I am sure there are many views,
10 Mr. Williams, in terms of how the goal and the
11 objectives of the Ministry might be better structured
12 to deal with particular points of view.

13 That's -- the suggestion you put forward
14 is one and that is one that could be considered.

15 Q. Do you have any difficulty with that
16 point of view?

17 A. I would want to examine all of the
18 aspects of that and make sure that the interpretation
19 of the words would all be the same.

20 Sometimes in the definition of goals and
21 objectives, particularly at the broad level, one has to
22 be certain in terms of the context and the way in which
23 the words are used and usually there is some discussion
24 about those words.

25 As a general statement, I don't have a

1 particular problem. I would want to discuss it a
2 little bit further though.

3 Q. Given the purpose of the undertaking,
4 is it not relevant that that should be a consideration
5 in the overall goals of the Ministry?

6 A. Well, certainly the maintenance of
7 environmental quality and -- is an issue that is before
8 this Board, given the undertaking.

9 I think we have attempted to -- and I
10 think we have demonstrated through the evidence that
11 the Ministry has that concern relative to environmental
12 quality, not only in the goal and the objectives, but
13 also in the land use planning guidelines.

14 Q. I think you have stated that on many
15 occasions throughout the evidence, that's why I am
16 surprised that it would give you any difficulty to
17 accept that broader definition of purpose.

18 THE CHAIRMAN: Well, Mr. Williams, with
19 respect, I do not think that the witness has said he is
20 not going to accept it.

21 He basically says he wants to consider
22 your exact proposed wording further and consider its
23 implications. Is that not it, Mr. Monzon?

24 MR. MONZON: I think the Ministry would
25 want to do that, Mr. Chairman.

1 MR. WILLIAMS: Q. Mr. Monzon, given the
2 fact that conservation is really an issue central to
3 this whole undertaking, do you think it is important
4 that we know from the outset, have on the record, what
5 the Ministry's definition or interpretation of
6 conservation is?

7 You set out under four sub-clauses (a),
8 (b) and (c) benefits that are derived from development
9 of Ontario's natural resources and benefits that are
10 derived from conservation of Ontario's natural
11 resources, but I don't think you really defined either
12 of those two initiatives, particularly with regard to
13 conservation.

14 I am wondering if there is a definition
15 that the Ministry has of that term that can be applied
16 to the process?

17 A. That is something I would have to
18 look at. Off the top of my head, the location of such
19 a definition does not come immediately to mind. It may
20 well be that one is there.

21 In structuring and putting together the
22 evidence for this undertaking, we have identified in
23 the goal the linkage to resource -- the aspect of
24 resource conservation, and in the various program
25 objectives there are references which illustrate the

1 Ministry's commitment to maintaining a quality
2 environment, not only in the forest program, but also
3 in the outdoor recreation program.

4 There is not a specific definition of the
5 term conservation in the document. That is something I
6 would have to look at.

7 Q. Do you think it would not be -- would
8 you agree it would be useful to have a definition of
9 the term in the material so that we know what
10 conservation means to the Ministry of Natural
11 Resources?

12 A. Well, I think in terms of the
13 meaning, my sense is that is well explained in 4(b)
14 where we talk about ensuring optimum economic and
15 social benefits, ensuring that the resource base is
16 maintained and protecting the natural heritage.

17 And then going on to further deal with
18 the issue in the program objectives, the reference to
19 environmentally sound timber management practices, the
20 references in the outdoor recreation objectives to the
21 identification and conservation of unique
22 representative, physical, biological cultural features
23 of the province.

24 And if you pursue that aspect of the
25 outdoor recreation objective, you get to the point in

1 looking at those types of values within the outdoor
2 recreation area, to the values that should be protected
3 in terms of those that are highly prized scientific
4 value and should be left unfettered - if I can use that
5 term - as well as other values which, again, deserve
6 protection, but there is study, there is observation
7 that can go on.

8 So the point I am trying to make is that
9 there is a linkage all the way down from the broad goal
10 of the Ministry, to the program objective, to the
11 particular activity objectives and the word and the
12 term, from my sense, is defined through that various
13 relationship.

14 Q. In Clause 4(b) I have referred to in
15 helping you to come to the conclusion that there is a
16 broad definition by looking at all these different
17 references.

18 Isn't that more, as I said earlier, a
19 provision that shows the resulting benefits that
20 combine conservation, rather than defining conservation
21 itself?

22 A. Yes, you could interpret it that way.
23 To get back to your specific question, I can't recall
24 at this point whether or not we have a specific
25 definition of the term in the Ministry of

1 "conservation". We can undertake to look at that for
2 you.

3 Q. I can try to assist you in that
4 regard. Would you say that the wise use and
5 management of our timber and non-timber resources is a
6 fundamentally important part of a precise definition of
7 conversation?

8 A. It would certainly be a part of it,
9 yes.

10 Q. Turning to paragraph 5. You advise
11 that the Ministry is organized into four programs to
12 fulfill its management responsibilities and you set
13 them out in the following order: Forest resources,
14 outdoor recreation, lands & waters and then fourthly,
15 administration.

16 Mr. Monzon, you listed these programs in
17 order of importance and priority to the Ministry, or is
18 there some other reason for listing them in that order?

19 A. I would suggest the only reason that
20 forest resources is first in this particular instance
21 is that the undertaking is an undertaking dealing with
22 the subject of timber management.

23 There is no particular priority relative
24 to the programs.

25 Q. I refer you to Document 11, A

1 Framework for Resource Management, page 218.

2 Are you there?

3 A. Yes.

4 Q. Paragraph 6, has a headline Optional
5 Approaches to Integrating Resource Management Planning
6 and it goes on in the first part of that to state that:

7 "In the preparation of resource
8 management plans there are three broad
9 planning approaches that can be used to
10 apply the guidelines contained in this
11 Framework paper. Table 2 summarizes the
12 alternative approaches to fitting
13 together different programs at the level
14 of planning."

15 Could you then turn to Table 2 referred
16 to therein on page 220.

17 This is an option that deals with the
18 planning approach related to the fully integrated
19 resource management planning which, I understand, the
20 testimony which has been given over the past few days
21 is a clear commitment of the Ministry.

22 And they describe that approach as being
23 one of a planning process encompassing all resource
24 interests in the area.

25 I draw your attention to the fifth column

1 of the Table and I am wondering -- under the heading
2 Comment, I am wondering if you could read for me the
3 first bulleted item under Comment?

4 A. "In many cases in northern Ontario
5 the 'lead' program for management
6 planning will be forest resources. In
7 others it may fisheries, et cetera."

8 Q. Does that not then indicate, and I
9 guess reinforce what you were really acknowledging
10 earlier, that the emphasis would appear to be on the
11 forest management aspect of the undertaking and that
12 the ordering of your programs is approach in that
13 context.

14 MR. FREIDIN: That's not what he said,
15 sorry.

16 THE CHAIRMAN: What did you say?

17 MR. MONZON: I don't think I agreed, Mr.
18 Chairman, that there was a particular order to the --
19 there was a particular priority to the ordering of the
20 programs other than the fact that forest resources was
21 first, given that this was an undertaking dealing with
22 timber management.

23 MR. WILLIAMS: Q. Yes, I think you are
24 right. Well, doesn't that contradict what with what
25 you have addressed here by way of comment as it relates

1 to your integrated resource management planning?

2 A. I don't really think so. The Table 2
3 which we are referring to is a table entitled Optional
4 Planning Processes.

5 If you will recall and the Board will
6 recall, this was an item Mr. Douglas took some time to
7 explain I believe last Friday.

8 What we are looking at here was an option
9 relative to the issue of resource management planning
10 and the best way -- or the various ways in which
11 resource management planning might occur within
12 different management areas within a district.

13 One of the options that was put forward
14 was a fully integrated management planning approach
15 which would deal with all activities within a single
16 management area.

17 The second page talks about an option
18 relative to individual program planning, and the third
19 page of Table 2 deals with an option of project review.

20 If I go back to the first page for a
21 moment, and dealing with the issue of integrated
22 resource management planning, they are talking about
23 attempting to carry out that option on a particular
24 area of a district.

25 Pick any one of the land use areas in the

1 Wawa District, as an example. There will likely be, in
2 most of those situations, the situation where the
3 forest resources program is the dominant program within
4 that land use area because of the size of the area,
5 because of the area over which the forest resources
6 program is being carried out, where the timber
7 management activities are taking place.

8 That is the intent in indicating in this
9 comment that, in many cases, the lead program for
10 management planning in this sort of situation would be
11 forestry.

12 There are other particular areas - and
13 you could refer to the land use areas in Wawa, such as
14 the Dog Lake area, where forest is not the dominant
15 program and that, I believe, is covered off in the
16 comment where it indicates that: "...in others, it may
17 be fisheries, et cetera."

18 Certainly in terms of the way -- the
19 variety of situations that will occur across the
20 province, if one endeavoured to do a fully integrated
21 resource management planning with any set of boundaries
22 on particular land areas, it would likely be - given
23 the scope of the forest program - that that program
24 would be the lead.

25 But as I indicated, there will be many

1 others such as fisheries, such as wildlife, such as
2 parks where it will not be thelead. So this was an
3 attempt to indicate what the real situation is across
4 the province.

5 In terms of the issue of priorities of
6 the forestry program, I would draw your attention to
7 the witness statement and the District Land Use
8 Guidelines for Wawa or for -- well, within the witness
9 statement the District Land Use Guidelines for Wawa.

10 And turning to any page - and I have just
11 opened it at 154 of my witness statement - you will see
12 that the various activities listed down the left-hand
13 column, those are listed in alphabetical order. They
14 are listed that way to make it clear that there was no
15 attempt to priorize.

16 Q. Paragraph 6, Forest Resources
17 Program. During examination-in-chief, you stated that
18 the definition of the Forest Resources Program was - I
19 think I am quoting you accurately here - 'was very
20 carefully selected', or words very much to that effect.

21 A. I am sorry, would you just repeat
22 that, Mr. Williams?

23 Q. You stated that the definition of the
24 Forest Resources Program was very carefully selected.
25 That's what I jotted down at the time that you were

1 dealing with this particular evidence.

2 Do you recall having said that?

3 A. I take your words. I have no
4 difficulty with that. I am just trying to make sure I
5 heard it all.

6 Q. Right. That's how I took down what
7 you said at that time.

8 Now, the definition that you chose that
9 you say you selected very carefully sets out that the
10 program's objective is:

11 "To provide for an optimum continuous
12 contribution to the economy by forest-
13 based industries and to provide for other
14 uses of the forest through
15 environmentally sound timber management
16 practices."

17 Now, given your answer in
18 cross-examination to Mr. Cosman the other day, would
19 you have any difficulty if that definition had been
20 expanded or was expanded to contain an additional
21 clause which would read: 'with rationalization of the
22 timber and non-timber uses on an equal basis', so that
23 the total definition would then read:

24 "To provide for an optimum continuous
25 contribution to the economy by forest-

1 based industries and to provide for other
2 uses of the forest through
3 environmentally sound timber management
4 practices with rationalization of the
5 timber and non-timber uses on an equal
6 basis".

7 A. I am sorry, could I ask what you mean
8 by 'rationalization of timber and non-timber uses'?

9 Q. Mr. Monzon, I presume that to
10 rationalize is to sort out and resolve the different
11 interests that exist between two different uses, and
12 then if that's a fair interpretation of the term, then
13 you define that, how do you view that type of broadened
14 definition?

15 A. My sense is that that is certainly,
16 to a large degree, the way in which the Ministry has
17 attempted -- has been -- just let me back up.

1 biologists, planners, district managers to have an
2 identification of what the various resource plans were
3 that were going to have to be dealt with in the
4 preparation of local resource management plans.

5 Certainly, the philosophy that the
6 Ministry has put forward of integrated resource
7 management, I believe, indicates the direction that the
8 Ministry wants to go in ensuring that all of the values
9 are looked at in the definition and in the preparation
10 of resource management planning and to determine,
11 certainly to the degree possible, all of the conflicts
12 and mitigating to determine how particular activities
13 are going to be carried out on the land base.

14 So I see that philosophy relatively
15 consistent with what you are proposing.

16 Q. You indicated that that's the
17 direction you see the Ministry going in?

18 A. Certainly in terms of the Deputy
19 Minister's direction and issuance of the integrated
20 resource -- the IRM philosophy statement, my sense is
21 that that direction is very clear.

22 THE CHAIRMAN: Mr. Monzon, does that mean
23 to say that the Ministry - to come back to what Mr.
24 Williams was asking - would be treating any of these
25 uses on an equal basis where the uses may be

1 disproportionately involved in a particular area?

2 For instance, you can have a particular
3 land region or land area where the predominant one
4 would be, let's say, timber resource and stuff like
5 that, and very limited potential for other uses such as
6 fishing or recreation simply because that particular
7 area may not have many lakes or many opportunities for
8 other uses.

9 In trying to rationalize the word, in
10 particular, a management plan of an area, would the
11 Ministry be treating those competing uses equally or
12 would they not be weighted, to some extent, in favour
13 of the use which would be the predominant use based on
14 the availability of the resources in that area?

15 MR. MONZON: You are describing it very
16 well, Mr. Chairman. That was the point I was
17 attempting to get at, or come to when I was talking
18 about the issue of attempting to minimize the conflicts
19 to the degree that is possible.

20 There are a number of situations where
21 one is going to have to make a decision and a tradeoff
22 relative to the resource values, and the situation
23 where the benefits to be realized from, for example, a
24 sports fishery to a particular minimal in an area or
25 where that fishery -- the benefits from that fishery

1 would be sequenced in time to be more appropriately
2 realized after timber management or timber management
3 program, I guess, moves through the area where the
4 cutting is taking place, regeneration is taking place.

5 Those are the sorts of tradeoffs that
6 would have to be taken. So you have put your finger on
7 it.

8 What I have a slight problem with is the
9 term 'on an equal basis', because in each and every
10 situation decisions will have to be made relative to
11 that specific situation.

12 THE CHAIRMAN: Because I do not think
13 that you would get a lot of situations where both the
14 benefits and the detrimental impacts, if I can call it
15 that, if they could be quantified appropriately, would
16 be equal.

17 MR. MONZON: You are absolutely correct.
18 You are absolutely correct.

19 MR. MARTEL: Wouldn't it even be more
20 difficult for you in an area where there was more
21 balance. In other words, the difficulty for the
22 Ministry becomes much more difficult when the competing
23 uses in fact are of greater balance; which one would
24 dominate then.

25 How do you make that decision; where

1 there is going to be lumbering in an area that has a
2 lot of potential for outdoor recreation and a large
3 population nearby. That seems to be the much more
4 difficult one.

5 MR. MONZON: Well, I couldn't agree with
6 you more, in terms of when you have situations where
7 the benefits that could be accrued, for example, from a
8 timber operation or the benefits from a fishery or
9 recreation in that situation, they are just about
10 equal.

11 For example, this organization is quite
12 concerned in terms of acting as that mediator and
13 facilitator, and I think I indicated that at the start
14 of the witness statement.

15 I don't think, Mr. Martel, I can answer
16 your question directly that there is a formula that can
17 be utilized. Certainly there has to be a tremendous
18 amount of public dialogue and dialogue with the various
19 stakeholders in an area to understand particularly what
20 is or what are the issues.

21 One of my experiences and one of the
22 conclusions I would draw after some 25 years in the
23 business, most have been on the planning side, is that
24 the most difficult part of any conflict/resolution
25 issue is understanding what the problems are, and

1 understanding what the particular issues are that local
2 people and local industries have in particular
3 situations, because there is a great amount - as you
4 are aware, as I am sure members of the Board are
5 aware - there is a great amount of emotion that enters
6 into a number of those local situations.

7 So there has to be a clear understanding
8 of what the issues are, there has to be a clear
9 understanding of how people perceive their needs and
10 wants, there has to be a clear understanding of the
11 local economics situation.

12 To use an example, the forest industry -
13 understanding that situation - if we compare that to a
14 fishery, the impact of that fishery on tourism in the
15 area and that's both local tourism in terms of user
16 base opportunities and economic benefits in the local
17 community, challenges to try and make both things
18 happen in that particular area and minimize the
19 conflicts.

20 And there are situations where a decision
21 will go one way and a decision will go the other way.
22 In most situations, the decision is somewhere inbetween
23 the two extremes and those are examples of the
24 conflict/resolution aspect. I.

25 Can't give you, as I indicated, a

1 formula. There are a lot of factors and I have not
2 mentioned them all, by any means, that have to be
3 looked at. It is that negotiating/mediating process
4 which has to go on.

5 MR. WILLIAMS: Q. The weighting and
6 tradeoff process has to be an important part of the
7 undertaking, no one argues with that, but let me ask
8 you that, Mr. Monzon.

9 Do you see any fundamental difference in
10 taking a zero base approach, whereby you start off
11 knowing that there are timber values in a given area
12 and there are non-timber values in an area and at the
13 outset you are going to approach each of them on an
14 equal basis, realizing that from there you will have to
15 start the weighting and the tradeoff process as
16 compared to developing the framework for, say, a
17 timber-related undertaking, and then in developing it
18 up to, say, a preliminary stage, seeing how you can
19 wrap around or introduce into the process, the
20 non-timber value features of the undertaking.

21 MR. MONZON: A. To use your example,
22 that you have the proposal for a timber undertaking the
23 values associated with that undertaking have to be
24 determined. In terms of the non-timber uses, those
25 values also have to be determined.

1 In the determination of those values, it
2 is -- I would submit that there was not a preconceived
3 negative weighting on those values because of the fact
4 that the process has been initiated because of a timber
5 proposal in the area.

6 The fact that there is a proposal to
7 harvest timber in that area does not necessarily mean
8 when one considers the fisheries, one immediately
9 knocks the fisheries down one or two points because the
10 timbering proposal has been on the table first; as
11 opposed to a proposal, for example, for commercial
12 fishing being on the table first and, therefore, how
13 does one consider the sports fishing values.

14 Again, the sports fishing values would
15 not get knocked down a number of points because
16 commercial fishing would be on the table first.

17 We don't work it that way.

18 Q. I guess that is the very point I am
19 coming to. If one is on the table first before the
20 other, shouldn't they both be there together to start
21 the process?

22 THE CHAIRMAN: But surely, Mr. Williams,
23 doesn't there have to be a catalyst to get this process
24 under way?

25 In other words, there has to be some --

1 at least either a formal proposal or an indication
2 coming from some user group that they want something to
3 be allowed or consideration given to something, that it
4 should be permitted--

5 MR. WILLIAMS: Agreed.

6 THE CHAIRMAN: --that starts the process
7 and it may be on the fisheries side or the wildlife
8 side or the timber resource side, and then you get into
9 the planning process.

10 I mean in very few of these areas, except
11 maybe in a regional area, less detailed planning
12 exercises would be looking at everything as an overview
13 process. But when you get down with respect to the
14 detailed district plans, you are really looking at what
15 are the impacts arising from a particular proposal.

16 MR. MONZON: Certainly that's correct,
17 Mr. Chairman.

18 In response to Mr. Williams, I would
19 submit that there is an attempt by the Ministry in many
20 situations to get policy issues on the table.

21 In the development of the program for the
22 activities that the Ministry is going through now with
23 the development of the fisheries management plans - Mr.
24 Douglas can speak to this in terms of how that is
25 really carried out within the various districts - is an

1 attempt to identify what those particular values are
2 and the management strategies relative to the
3 Ministry's work in an area.

4 So that those things are known and that
5 when you come to a timber management or a park
6 management or whatever type of management process at
7 some point down the line, we have a better sense of
8 values, we have a better sense of benefits and we have
9 a better position to sit down and look at the issues
10 and to look at the conflicts, and look at the best ways
11 to get at the resolution.

12 MR. WILLIAMS: Q. Could I take you, Mr.
13 Monzon, to Exhibit 16, Dr. Baskerville's Audit of
14 Management of Ontario's Forests material.

15 I just want to deal for a few moments
16 with your area of expertise in your land use planning
17 process and relate it to timber management.

18 Page 71.

19 A. Yes, sir.

20 Q. In the last paragraph on 71 dealing
21 with land use plans, Dr. Baskerville concludes:

22 "...the real value in the strategic land
23 use plan and the district land use
24 guideline lies in the provision of local
25 guidelines (in the best sense) for

1 dealing with constraints and concerns in
2 the pursuit of real resource management
3 design and implementation at the
4 Management Unit level."

5 A. Yes.

6 Q. Do you agree with that assessment?

7 A. Well, certainly -- yes, I would agree
8 with that assessment. I think I might take it a little
9 bit beyond what he is saying, but I certainly agree
10 with his words.

11 Q. How would you take it beyond what he
12 is saying?

13 A. Well, I think one of the values of
14 this regional strategic planning exercise has been the
15 work that was done with respect to the identification
16 of policies and objectives and targets for the various
17 programs within the Ministry.

18 And that planning process certainly
19 brought together all of that work and made that happen
20 and created the best framework right across the
21 Ministry in which effective program management can
22 take place.

23 So, as an example, I would name that as a
24 value.

25 Q. Across the page, on page 70, as well

1 he has highlighted an obvious benefit, and I don't
2 think there is argument with what he is saying, which I
3 read to you a moment ago and you essentially agreed
4 upon, with this caveat introduced:

5 "The Strategic Land Use Plan and District
6 Land Use Guidelines are comprehensive
7 documents that provide guidance with
8 respect to local goals and ways of
9 achieving provincial resource management
10 goals."

11 Do you see that?

12 A. Yes, I do.

13 Q. Then in the next two sentences he
14 says:

15 "These provide exceptionally good
16 guidelines for localization of broad
17 provincial generalizations. The one
18 disturbing feature of these guides
19 is the apparent belief of the authors
20 that a plan, or a guideline, achieves
21 anything in and of itself."

22 How do we resolve that dilemma as far as
23 utilizing the maximum benefits of those plans in the
24 land use process and applying it to the timber
25 management consideration?

1 A. I think I have indicated a number of
2 times over the -- over my attendance at these hearings
3 what we see as the real value and what we see as the
4 value with the Strategic Land Use Plans and the
5 District Land Use Guidelines, the identification of the
6 best ways to use the land and water resources in the
7 province to achieve objectives. And, again, those
8 documents provide the general guidelines to resource
9 management.

10 The fact that a plan has been done -- let
11 me back up -- I understand where Mr. Baskerville comes
12 from, I understand how the perception can be arrived at
13 that, having completed the plan, that that is it, that
14 is the ultimate and now everything is going to be nice
15 and all that anybody has to do is follow that plan or
16 guideline very explicitly.

17 That is not the way it happens in the
18 real world, and certainly that is the intent in the
19 preparation of the Strategic Land Use Plan or the
20 District Land Use Guidelines.

21 Those were not meant to be the ultimate
22 in terms of how resource management would take place on
23 the land and water base of the province.

24 They were meant to be guidelines, they
25 were meant to provide direction, but they were not

1 meant to be the document that would be inshrined in
2 stone and nothing else need happen.

3 I would refer you again to the comments
4 that the Minister of Natural Resources made before the
5 Royal Commission -- Mr. Pope was the Minister at that
6 time and he indicated that both these land use plans
7 are simply viewed as guidelines which have no direct
8 legal effect on the resources of the province and,
9 specific end uses or delineating where these resource
10 development conservation activities can or cannot be
11 carried out, and he went on to make some comments about
12 the authority of Cabinet Ministers and Cabinet in that
13 paragraph.

14 Q. There and elsewhere in the testimony
15 that has been given over the past few days, I think
16 there has been comment and maybe concerns expressed
17 about the fact that the land use plans and guidelines
18 do not have the force of law, they are not regulated
19 under statute.

20 A. Right.

21 Q. But simply guidelines and that alone.
22 Do you see that as denigrating the value of those
23 documents?

24 A. I don't see that as denigrating the
25 value of the documents. The documents, again, are

1 meant to provide some guidance, they are meant to
2 provide for local managers an identification of
3 conflicts that can be expected to occur in respect to
4 particular land and water in the district.

5 I guess a good example of that would be
6 where a new forester or a new biologist enters the
7 district. That individual has immediately a ready
8 reference of some inventory, he has a ready reference
9 of some policy of some direction and he or she has a
10 ready reference to some of the issues that he or she
11 can expect to face in carrying out his or his duties
12 in, particularly, the preparation of resource
13 management plans, whether it be a biologist or forester
14 or parks person or what have you.

15 Some of those conflicts are identified
16 and they serve as a flag to those individuals in
17 saying: Be careful, you have got some things here that
18 you have going to have to deal with.

19 Now, how that person deals with them in
20 the process that that individual goes through, the
21 district goes through involving the local people, the
22 users, the stakeholders, the clients, that will vary,
23 as I have indicated, from situation to situation.

24 Q. Are those -- let's go to the District
25 Land Use Guideline level. Are those guidelines

1 introduced in any formal way into those particular
2 plans or undertakings while they are giving a sense of
3 direction, I understand you are saying?

4 A. Yes.

5 Q. That because they are guidelines only
6 they are not in any way formalized or incorporated into
7 the particular undertaking whether it is, say, a timber
8 management agreement or whatever, it is not - if I can
9 use the term - codified as part of the floor or the
10 base on which the process started by which they must be
11 guided within a precise framework?

12 A. That's correct.

13 Q. Do you think it would be helpful to
14 move to that process, to redefine the process and how
15 it could be formalized in that context or using that
16 codification process that you would so that there is
17 formal recognition rather than by understanding?

18 A. I think one has to be careful about
19 the degree to which one would remove the flexibility of
20 the local managers to deal with specific situations in
21 the local areas.

22 Certainly the environment that we are in
23 today is one in which there are a great many more
24 interests being expressed, where a great deal more of
25 concern is being expressed about issues and where there

1 is a significantly increased body of expertise on the
2 resource management issues in the public, in the
3 private sector.

4 We want to be able to take advantage of
5 that body of expertise and that knowledge. I don't
6 think we would want to do anything that would restrict
7 our managers in the ability to take advantage of that.

8 One of the difficulties -- one of the
9 negatives that has always been raised about a plan is
10 that once a plan is in force and, in fact, has legal
11 status, that there tends to be - and I have heard of
12 this in municipal plans - there seems to be confusion
13 as to what the plan says one tends to stop thinking,
14 stop thinking creatively about how one solve and deal
15 with the issues.

16 Q. Why would the incorporation of basic
17 findings in the District Land Use Guideline into a
18 timber management plan impose, as I think you are
19 alluding to, an element of inflexibility when the
20 District Land Use Guideline is, itself, a document that
21 has been established on the basis of dynamics and
22 review and change, that's an integral part of the
23 guideline process and yet this document itself is
24 subject to change every five years, or in the process.

25 Why would you be fearful of an element of

1 inflexibility being introduced by formalizing the
2 cross-over between the two and incorporating the one
3 and the other?

4 A. I may have misunderstood your
5 question. This part of -- my understanding of your
6 question was that you were referring that in some way
7 the District Land Use Guideline should have a force of
8 some sort of legal standing that would require an
9 adherence to the strategies and specific management
10 guidelines contained in withthem--

11 Q. Yes, that's right.

12 A. --over a period of time.

13 I guess what I am saying is that there
14 are going to be new ways of doing business out there,
15 and the real purpose of the guidelines is to identify
16 where the conflicts are and to raise the attention --
17 the awareness of individuals that are going to be
18 preparing specific resource management plans.

19 I mean, some of the guidelines that exist
20 in those documents now may well be supplanted or out of
21 date - that may not be the right term - but there are
22 maybe other ways to deal with the issue, but at least
23 the issue has been raised in the document.

24 Q. But given that both the timber
25 management plan and the District Land Use Guideline

1 Plan clearly provide they shall be subject to review
2 and change every five years, the flexibility, the need
3 to be subject to change would be an integral part of
4 that process and yet you would a formal language
5 between the two that presently doesn't exist.

6 Wouldn't it be helpful to take it that
7 extra step and still preserve the flexibility that's
8 needed in this whole dynamics of this process?

9 THE CHAIRMAN: Mr. Monzon, perhaps I do
10 not fully understand what might be contained in the
11 actual timber management plan or agreement, but
12 wouldn't elements from the guidelines, in terms of, in
13 some cases, objectives and things like that be repeated
14 specifically in some of the agreements and some of the
15 plans themselves as being for timber resource?

16 MR. WILLIAMS: I understood his earlier
17 direct answer to be the contrary.

18 MR. MONZON: I don't think it is so much
19 a matter of the fact that an objective would be
20 repeated. I think the objectives and targets in the
21 guidelines, I think there is a lot of discussion as to
22 how this serves as benchmarks for how well we are
23 doing.

24 I guess my concern and discussion we are
25 having with Mr. Williams is that I want to -- my sense

1 would be to ensure that it is necessary to provide --
2 that it is necessary that the local district managers
3 have the appropriate tools at their disposal to deal
4 with particular resource management issues as they
5 arise.

6 The guideline documents identify, I
7 believe, very well at the district level the conflicts
8 and issues and other values that they are going to have
9 to look at.

10 I am nervous about the thought of making
11 them in fact subject -- making them in fact legal
12 entities because you may have situations where the
13 guidelines within the particular document might not
14 apply due to the local situation.

15 I guess -- you know, for example, in just
16 one -- Michipicoten Island, one of the recommended
17 guidelines under tourism is that it is recommended that
18 existing tourism activity be permitted to continue.

19 Well, at the time that this was written
20 that that's fine relative to the other situations and
21 activities going on in and around Michipicoten Island.

22 My concern is that when that changes, and
23 for whatever reason there is new information, there is
24 a better definition of the Crown for capacity of local
25 resources, fisheries. If we find there are

1 difficulties or problems in the fish population, or
2 there is a disease that has taken its toll on moose or
3 whatever, that may have an effect on the tourism
4 activity and from a resource management standpoint it
5 may be in the best interest provincially or locally to
6 tighten that down for a while.

7 So I am concerned about not having that
8 sort of flexibility.

9 MR. WILLIAMS: Q. Using that example,
10 though, Mr. Monzon, coming back to the point I was
11 trying to make with you through the cross-examination,
12 the fact that both documents have that element in them
13 by requirement of review and change as necessary, that
14 you don't have those inflexible constraints imposed as
15 you are alluding to and that, with regard to a timber
16 management proposal in particular, given that it might
17 come up for a five-year review, within that five years,
18 the DLUG, the District Land Use Guideline may have
19 itself been reviewed and changed surely that would not
20 prejudice a review later on in the five-year period of
21 the timber management plan save and except that the
22 guidelines that were used as before for establishing
23 the principles of your first timber management
24 agreement would now incorporate the new revised
25 standards and, from that floor, they would develop the

1 next five-year program for that timber management
2 arrangement with those new set of standards being
3 applied.

4 The flexibility is still there, but at
5 least the two are formally linked together where
6 heretofore they haven't been.

7 So how are we prejudiced by doing that?

8 MR. MONZON: A. I guess, Mr. Williams,
9 before making any decision or recommendation relative
10 to that point I would want to see the specifics as to
11 how that was going to happen.

12 It has been my experience in the past
13 that there would be situations where what was intended
14 to be the end of the process was not the end and things
15 happened a little differently than originally
16 anticipated.

17 Q. Paragraph 8, just for clarification,
18 because it is part of the evidence. You mention:

19 "The Lands and Waters Program has
20 management responsibilities related to
21 Crown lands..."

22 And this is in the geographic area of this undertaking,
23 "...water resources..." isn't really a
24 factor, is it?

25 A. You are outside my area. I don't

1 think so, but I couldn't comment.

2 Q. I just wondered whether it was in
3 there because it did have some relevance to the
4 undertaking.

5 So I was just indicating the broad scope
6 of the Lands and Waters Program to matters that may
7 even extend beyond the area of this undertaking?

8 A. I believe the latter is correct. I
9 don't know if they will ever discover gas around the
10 Manitoulin Island.

11 Q. Paragraph 9, the objects of the Lands
12 and Waters Program are twofold. One, you describe as
13 being:

14 "To facilitate the orderly development
15 and wise use of Ontario's lands and
16 water resources for the social and
17 economic benefit of the people of
18 Ontario..."

19 I refer you to Exhibit 8, page 10.
20 Exhibit 8, again, is the Northeastern Ontario Strategic
21 Land Use Plan. The section entitled Section E, Land
22 and Water Management is the subject of this part of the
23 plan and under sub-clause (c)--

24 MRS. KOVEN: Mr. Williams, what page are
25 you on?

1 MR. WILLIAMS: Page 10.

2 MRS. KOVEN: Thank you.

3 MR. WILLIAMS: Q. Under sub-clause (c),
4 sub-Roman numeral (iii) the heading Integrated Land and
5 Water Management multiple-use.

6 If I could just read to you the three
7 sentences from that section:

8 "The paramount concern in land and water
9 management is the allocation of land and
10 water in such a way as to ensure
11 effective and efficient use to best
12 satisfy the needs of the people in the
13 region and Ontario. The Ministry of
14 Natural Resources strongly favors
15 multiple-use as a management strategy.
16 The Ministry will, as a result, manage
17 public lands and waters in an
18 integrated manner rather than separately
19 through its component resources."

20 Has the Ministry policy changed at all in
21 employing this management strategy?

22 A. I guess the major change would be the
23 integrated resource management philosophy that I
24 indicated in earlier evidence as being the corporate
25 philosophy used by the Ministry in achieving goals and

1 objectives.

2 I believe within that philosophy it
3 states under the third principle: In most cases, the
4 multiple-use of the resource will be the Ministry's
5 desired direction.

6 Q. I refer you to Document No. 8, page
7 106. I am referring to the General Policy Section of
8 the Wawa District Land Use Plan, subsection 6 entitled:
9 Land and Water Management, sub-clause (a) entitled
10 Multiple Use.

11 The document states at this point:
12 "The Ministry will manage public lands
13 and waters in an integrated multiple-use
14 manner. Multiple use means that two or
15 more uses occur in the same
16 general area, either simultaneously or in
17 sequence."

18 Now, is that a basic provision that goes
19 into all of your district plans, to the best of your
20 knowledge?

21 A. Yes, I believe that's correct.

22 Q. I refer you back to what I quoted to
23 you a few moments ago, that the Ministry strongly
24 favors multiple-use as a management strategy.

25 In this case, the land use guideline

1 states that:

2 "The Ministry will manage public lands
3 and waters in an integrated multiple-use
4 manner."

5 Do you consider this a significant shift
6 in emphasis in government policy?

7 A. No.

8 Q. In the first one, using the term
9 'strongly favors', aren't you simply providing an
10 indication of a preference over a desire, rather than a
11 firm commitment as what appears to be the position in
12 the land use guideline where it says: 'The Ministry
13 will manage public lands and waters in an integrated
14 multiple-use manner', other than those strongly
15 favoured?

16 A. I don't see it, Mr. Williams, as a
17 significant shift in policy. There is an intent in the
18 discussion under that to indicate that: "Over a broad
19 area, several single uses may also be permitted."

20 Q. Rather than shifting, perhaps firming
21 up the policy, can I use that term; would that be more
22 appropriate?

23 A. I would say re-statement. I would
24 say in moving the statement from one document to the
25 other I don't see, from my perspective, a shift in

1 intent.

2 I understand your reference to the words,
3 but it was not meant as a...

4 Q. You don't see any significance there
5 that strongly favoring is a preference that is not as
6 equated as: 'the Ministry will manage,' as a matter of
7 commitment. You don't see any distinction?

8 A. Well, certainly at the regional
9 level, one of the issues that had to be dealt with, and
10 it is indicated in the last paragraph, was that a
11 special approach would have to be taken -- a special
12 approach will be taken given the candidate park areas.

13 Q. Go to paragraph 14.

14 THE CHAIRMAN: Mr. Williams, before we
15 move to that paragraph, can we take a break at this
16 time for twenty minutes?

17 MR. WILLIAMS: Sure.

18 ---Recess taken at 11:15 a.m.

19 ---Upon resuming at 11:48 a.m.

20 THE CHAIRMAN: Thank you, ladies and
21 gentlemen. Please be seated.

22 Mr. Freidin, I have got this procedural
23 directive typed up and my secretary is just re-passing
24 back a clean copy on which I made some changes.

25 I will be able to give this to you prior

1 to leaving today so that you can take it with you.

2 MR. FREIDIN: Thank you.

3 THE CHAIRMAN: Mr. Williams, how long do
4 you think you will be?

5 MR. WILLIAMS: Well, Mr. Chairman, I
6 think probably another half hour or, the course of an
7 hour. I am wondering, in light of that, how you want
8 to handle... .

9 THE CHAIRMAN: Well, I am just wondering
10 what we should be doing in terms of a lunch break,
11 bearing in mind that we are going to be rising no later
12 than two, probably earlier.

13 Mr. Edwards, how long did you expect to
14 be?

15 MR. EDWARDS: I will be about an hour,
16 Mr. Chairman, or less.

17 THE CHAIRMAN: Well, I do not think we
18 are going to be doing both of you today.

19 So what I would suggest we do in these
20 circumstances is complete your testimony, Mr.
21 Williams -- sorry, your cross-examination and just
22 break for the day at the end of that and commence with
23 you on Tuesday, if that will be acceptable.

24 MR. EDWARDS: That's fine with me, Mr.
25 Chairman.

1 THE CHAIRMAN: And not breaking for
2 lunch, we will wait until the end of your
3 cross-examination, which will probably be before two
4 o'clock if you are anywhere near as accurate.

5 MR. WILLIAMS: Thank you, Mr. Chairman.

6 THE CHAIRMAN: We will have a number of
7 grumbling stomachs, of course, if you are inaccurate.

8 Very well, continue.

9 MR. WILLIAMS: Thank you, Mr. Chairman.

10 Q. I just have a few questions left, Mr.
11 Monzon, to address to yourself.

12 Turning to paragraph 14 of your evidence,
13 in giving us an overview of what Ministry management
14 objectives are, you state in part that:

15 "The ministry has developed approaches to
16 management which encourage the balancing
17 of competing interests and the
18 achievement of multiple objectives often
19 on the same land base."

20 Is that correct?

21 MR. MONZON: A. That's correct.

22 Q. To encourage, rather than require the
23 balancing of competing interests, does this not signal
24 a weakening of Ministry resolve with regard to the
25 commitment to multiple use as employed in your land use

1 planning programs?

2 A. I don't believe so. I believe the
3 term encouraged is consistent with the philosophy and
4 direction of the land use planning programs which seems
5 to identify the conflicts in the integrated resource
6 management philosophy which was a philosophy which
7 directs the organization -- entirely organization of
8 the Ministry to maximize the benefits of the resources
9 to the people and to minimize the conflicts.

10 That is not to say that all conflicts are
11 going to be able to be dealt with completely.

12 Q. Paragraph 16.

13 MR. WILLIAMS: We are going to deal with
14 an issue, Mr. Chairman, that has been talked about at
15 considerable length through the evidence that has been
16 given to date, but I consider it to be of fundamental
17 importance so I hope that you will bear with me if
18 there is an overemphasis on that point.

19 I think it is critically important to get
20 our perspective on this.

21 Q. In paragraph 16 you state, in part:

22 "It is essential that management
23 decisions be made with the best
24 understanding possible for the potential
25 for optimum benefits and the consequences

1 of making tradeoffs."

A quick example would be to use -- would be a situation where one has timber harvesting. There is a lakeshore, the issue being whether or not the cutting should take place to the lakeshore, where are the values that are within the lake, where are the values within the lakeshore in terms of fisheries, in terms of tourism and so forth.

19 Is there a tradeoff that is going to be
20 made in cutting the entire lakeshore or cutting to a
21 portion of it, and a tradeoff may be made to cut to the
22 lakeshore or a portion of it and there may be a
23 tradeoff made there with respect to fisheries, as an
24 example.

25 O. I will refer you to Exhibit 8.

1 Strategic Land Use Plan, page 1. In the right-hand
2 column, the second paragraph...

3 MR. FREIDIN: What page.

4 MR. WILLIAMS: Page 1. The Introduction
5 Section to the Plan.

6 Q. In the second paragraph you state in
7 part: "Tradeoffs and -- sorry, I will give you the
8 whole paragraph.

9 "In producing this plan, the Ministry of
10 Natural Resources has made an attempt to
11 resolve major land-related policy
12 conflicts. Options were evaluated,
13 tradeoffs and compromises were required
14 in some cases in order to arrive at an
15 integrated land use plan which attempts
16 to meet all Ministry of Natural
17 Resources' objectives."

18 So tradeoffs, as set out in that
19 document, is to be interpreted in the way in which you
20 described it a moment ago; is that correct?

21 A. Tradeoffs at the strategic level
22 would be a different order of magnitude. It would be
23 at the policy level, in terms of objectives as opposed
24 to the specific on-site example as quoted.

25 Q. The same principles apply; do they

1 not?

2 A. The same principles can apply. It
3 would likely be more -- well, the same principles would
4 apply.

5 Q. Let's come back down to the -- the
6 tradeoff mechanism is equally applied at the District
7 Land Use Guidelines level as well; is it not?

8 A. Yes.

9 Q. All right, let's come down to that
10 level.

11 A. If I might --

12 Q. Yes?

13 A. As an example of the tradeoff level.
14 At the strategic or regional level, there would be a
15 tradeoff that would likely be made between commercial
16 fishing and sports fishing in terms of the objective.

17 Water having -- the water resource in the
18 province having - I am being fairly simplistic, Mr.
19 Chairman - to provide X pounds of fish, what is the
20 tradeoff that's made in this X pounds of fish relative
21 to sports fisheries as opposed to commercial fisheries.

22 Q. At the conceptual and initial
23 planning of the District Land Use Guidelines process,
24 as I understand it from earlier testimony, the process
25 starts initially on an in-house basis with all of the

1 qualified people from different disciplines being
2 brought together to start assessing all of the
3 potential component parts for the plans; is that
4 correct?

5 A. Yes, that's correct.

6 Q. And where and with whom, then, does
7 that process begin as it relates to the public
8 consultation process, or does it? Is the tradeoff
9 process an in-house aspect of the planning process, or
10 is it taken into the public domain where it becomes
11 part of the public consultation process?

12 A. In the exercise involving the present
13 land use guidelines, the public were involved at the
14 start of the strategic planning exercise relative to
15 background information and policy proposals.

16 So they were involved at the start and
17 then through that exercise they were also involved in
18 the District Land Use Guidelines in the same series
19 with the background, presentation, an understanding of
20 background information together with the policy options
21 that were put forward for the various districts.

22 Q. Well --

23 A. I don't mean to avoid your question,
24 if I haven't answered it.

25 Q. Perhaps you haven't quite. I am

1 asking when and if -- first of all, if and when that
2 tradeoff practice is taken into the public domain?

3 A. It will be at the background and
4 policy option level.

5 For example, the best example would have
6 been the parks systems exercise that went on and a
7 number of park candidates that were put forward for
8 public consideration through the District Land Use
9 Guideline exercise.

10 I think I indicated earlier some of the
11 numbers, but in the order of 260 park candidates were
12 put forward for consideration and, as a result of the
13 land use planning and the development of the land use
14 guidelines at the district level, some 155 of those
15 candidates came forward as being recommended for park
16 status.

17 So that's an example of public input and
18 the result of that public input in determining that
19 tradeoff.

20 Q. In your discussions with the public,
21 either through the open house process or perhaps on the
22 basis of dealing with individual -- recognized
23 individual groups or the Federation of Ontario
24 Naturalists or our own Federation of Anglers & Hunters
25 or whatever, whether they are brought in for

1 across-the-table discussions for that or is it more a
2 public forum situation for public consumption; is there
3 a head-to-head approach taken to discussing the
4 tradeoffs with the public, or is it as a result of the
5 consultation process that tradeoff takes place, if I
6 can use that term?

7 A. Well, certainly at the open house
8 discussions, they were the major focus of public
9 participation. Through the land use guideline process,
10 there were head-to-head discussions during that session
11 with individuals of the public and the Ministry staff.

12 Q. So that they would understand that
13 there are options here that have to be weighted and
14 considered?

15 A. Yes.

16 Q. And so there is a dialogue and not
17 simply a taken that it is on this basis you as the
18 public may consider this map?

19 A. No, certainly the understanding was
20 that there were options, that there was a dialogue. I
21 attended a number of those open houses.

22 There were optional maps that went on
23 display which showed the options, there were texts,
24 there were tables. There was participation in some of
25 the discussions. People were not shy about making

1 their views known.

2 Q. So that would apply at the strategic
3 land use planning level too?

4 A. Yes.

5 Q. Let's come back to that document that
6 I referred you to a few moments ago and come to the
7 very next paragraph:

8 "This document is a revision of the
9 proposed Strategic Land Use Plan for
10 Northeastern Ontario which was released
11 in March of 1980 and incorporates
12 recommendations received as a result of
13 public reviews."

14 That indicates to me, then, that any
15 tradeoffs that had to be done and the benefit of public
16 input had taken place before this revision came out and
17 those tradeoff assessments had been incorporated into
18 the land use plan. Is that a fair assumption?

19 A. Yes, I think I agree with you. If
20 what you are saying is that there was a proposed
21 strategic land use plan put out for discussion, there
22 was discussion, as a result of that discussion issues
23 were identified and tradeoffs were discussed, then the
24 Ministry prepared the strategic land use plan, when it
25 did that, it took into account the various issues

1 and -- the various issues that were being raised in the
2 preparation to publish this document, that's correct.

3 Q. All right. Taking that as a given
4 and using this particular Strategic Land Use Plan as an
5 example, where would that be referenced in the document
6 to show that direction that was taken in the plan as a
7 result of the weighting and tradeoff procedures that
8 were implemented beforehand.

9 How would it be recorded or shown that
10 options had been considered?

11 A. I think the best indication would be
12 on page 5 of that document, at the bottom of the page
13 on the left.

14 The section on Public Consultation on
15 page 4, indicates -- gives some background, but on page
16 5 the last paragraph at the bottom, column left,
17 indicates:

18 "The following list reflects the major
19 changes incorporated into this document;
20 revision of the parks proposal, addition
21 of energy policy, increased commitment to
22 integrated use of water resources,
23 increased recreational and cultural
24 resources of the tourist attractions
25 within a Crown land resource, increased

1 integrated use of water resources;

2 - the increased recognition of cultural

3 resources as tourist attractions

4 and a Crown land resource;

5 - an increased reference to the

6 Province's support of local municipal

7 planning jurisdictions;

8 - an increased commitment to maintain

9 a large proportion of the Region open to

10 the mineral exploration and development;

11 - an increased commitment to maintain a

12 large proportion of the Region as

13 production forest to sustain the forest

14 industry;

15 - an increased reference to acid rain;

16 - a greater recognition of non-game

17 wildlife species; and,

18 - based on data revisions, new targets

19 for forest management, moose, sports

20 fish, and Crown land recreation."

21 Q. But didn't that come about as a

22 result of the provincial - in this example you have

23 given us, as a result that the -- I am sorry, come

24 about by reason of the fact the provincial parks

25 proposal underwent a complete re-evaluation.

1 That's what it says at the beginning of
2 that...

3 A. But all of those -- I don't believe
4 that all of those changes were only as a result of the
5 provincial parks proposal under one integrated
6 evaluation.

7 Q. How is the general public to know
8 that? How is are the people who are participants in
9 the public consultation process to know that it wasn't
10 simply a re-evaluation in house, but that in fact their
11 input had meaning and relevancy and, in fact, had
12 bearing on specific changes that have taken place?

13 THE CHAIRMAN: Mr. Williams, when the
14 public who contributed input realize that some of their
15 suggestions have been taken into account by the end
16 product when they read the strategic plan that
17 addressed a concern of theirs that the earlier draft
18 did not, would that not be evidence that their concerns
19 were taken into account and actually resulted in
20 changes?

21 MR. WILLIAMS: For those people who had
22 been involved in the process, I think they would
23 probably have that appreciation.

24 But, for the general public, I don't know
25 whether they would realize that re-evaluation had the

1 benefit of that process and that's the concern I have.

2 That, again, if there is -- I guess what
3 I am after here, Mr. Chairman, is finding some better
4 mechanism for evidencing that these things have taken
5 place so that people have a better appreciation of
6 understanding how -- what brought about the
7 re-evaluation, giving credit to a recognition of that
8 public participation in tradeoff process.

9 It just isn't referenced in the document,
10 per se.

11 MRS. KOVEN: I think I agree with that
12 point of view, the fact that there is no indication in
13 this presentation of material whether in fact it was
14 subject to a public review.

15 It may very well have selected comments
16 from the public discussion that you had, and there may
17 have been a body of opinion that was very much
18 different from the decisions you made to accept or
19 reject the various suggestions from those public
20 discussions.

21 MR. MONZON: Certainly there was not an
22 attempt in this document to list each and every comment
23 singly as it came in.

24 MRS. KOVEN: Is it not possible?

25 MR. MONZON: Just sheer volume causes

1 difficulty in doing that.

2 MR. WILLIAMS: Q. I could't agree more,
3 but the fact that there is no referencing at all
4 doesn't that introduce and element of secrecy into the
5 tradeoff process as far as the general public is
6 concerned, they don't realize that this plan has
7 benefited from that and it won't raise questions in the
8 future for people who challenged the plan, not knowing
9 that those things have already been taken into
10 consideration.

11 MR. MONZON: A. I guess, Mr. Williams, I
12 would say that Item 2 on page 4 we talk about a
13 review -- the document speaks to a review of the
14 proposed Strategic Land Use Plan for Northeastern
15 Ontario and under that title, paragraph on -- the
16 paragraphs in Column 5 on the left-hand side indicates
17 that when documents were released, when the public was
18 asked to respond, a number of documents were released,
19 the questionnaire, a general summary of responses, a
20 number of -- it indicates here: some 200 issues were
21 raised.

22 And, finally, the second paragraph from
23 the bottom talks about the provincial parks issue
24 representing the largest single concern.

25 Q. I am sorry, which paragraph?

1 A. I am sorry, second paragraph from the
2 bottom on the left-hand column.

3 Q. This is Under (b), District Land Use
4 Planning on page 2, did you say?

5 A. No, I am sorry, I am on page 5.

6 Q. All right, I lost you there. Can you
7 just go back for a minute and give me that again?

8 A. Okay. Under Public Consultation on
9 page 4 of the Strategic Land Use Plan for Northeastern
10 Ontario, there is a title under Public Consultation:
11 Review of the Proposed Strategic Land Use Plan for
12 Northeastern Ontario.

13 Q. Yes?

14 A. The text following that and
15 continuing over, down the left-hand column on page 5
16 references items such as the release of documents, the
17 number of documents distributed, the tabloids, the fact
18 that they were in both English and French, the
19 responses to the questionnaire, a general summation
20 about the type of responses that were received, a
21 general summation of the issues that were raised in
22 terms of particularly the number, and then the second
23 paragraph from the bottom indicates that:

24 "The provincial park issue represented
25 the largest single concern expressed by

1 the public. As a result, the provincial
2 parks proposal underwent a complete
3 re-evaluation. The
4 vised proposal contained in this document
5 will be carried forward into district
6 planning for further review and
7 evaluation."

8 The next paragraph then lists the major
9 changes that were incorporated into this document.

10 So that was the attempt to indicate what
11 changes had been made and were incorporated into the
12 document.

13 I can't recall at this point in time what
14 mechanism the Ministry used in 1982 when it released
15 the document to disseminate across northeastern Ontario
16 the fact that it was released, and I can't recall what
17 the specific statements were relative to the types of
18 changes and the value of public consultation.

19 I would agree with your general comment
20 - I am not trying to misquote you - we have to
21 continually look to better ways to ensure that people
22 understand how their comments are being utilized, how
23 the Ministry reacts in dealing with issues that are
24 raised as part of the public consultation process.

25 MR. MARTEL: I have a greater concern,

1 although it stems from what Mr. Williams is saying,
2 being one who has been involved in a lot of different
3 matters over the years.

4 There is -- in the public mind, I think
5 there is a perception and that is clear. I mean,
6 people go to an open house, they don't have input,
7 their comments really don't make much difference, they
8 are intimidated by the bureaucrats that are there, the
9 people who are there and experts in the field, and so
10 on.

11 And I think that the whole process has to
12 be reviewed because as I watched open houses, in fact,
13 to a large degree, at least the ones I have attended
14 at - and that at least covers each Ministry within the
15 years - and there is a bunch of documents and maps that
16 overwhelm people.

17 Is there any evaluation of how you are
18 trying to get the feedback from the public and taking
19 into account how their input really makes a difference
20 too, because I think there is a suspicion out there
21 that it doesn't make a difference, so people stay away
22 because they are intimidated by the process.

23 MR. DOUGLAS: May I refer to that, Mr.
24 Martel.

25 My staff are presently looking at

1 different techniques for public consultation, they are
2 reviewing those techniques in a wide variety of other
3 jurisdictions. We are in the process of developing a
4 manual which provides our people with documentation of
5 the various methods that are available and some of the
6 things work, some of the things don't seem to work.

7 The point that has been raised here in
8 terms of the feedback is an important one and certainly
9 we are looking at the aspect of: How do you provide
10 feedback in a meaningful but simple way.

11 It is an acknowledged situation that this
12 is a complex process. It varies from situation to
13 situation. You have some groups that would much rather
14 deal directly on a verbal level, no paper going back
15 and forth; others would rather go the formal route.

16 The problem you face is, you get into a
17 process and there is a desire for the same level of
18 documentation where some groups are used to and
19 comfortable dealing with it one way, others are
20 comfortable and want to do deal with it the other way.

21 It is a problem and we are certainly
22 looking at that process, how it is being done in the
23 U.S. by a number of resource management leagues there,
24 we are looking at other provinces as well.

25 MRS. KOVEN: Isn't there a very large

1 value from the public discussion process to be able to
2 call on that information that will really give you an
3 idea of what the possibilities are for, I guess what I
4 will describe, as the piecework co-existence and
5 multiple uses that you are anticipating in various
6 policies.

7 And I guess from a strictly policy point
8 of view, the more public discussion you have the better
9 gauge you have of the possibility of that piecework
10 co-existence.

11 So that's not something that can be
12 utilized unless the public has input in this. It seems
13 to me that that is just a good value on its own and,
14 obviously, influences the decision.

15 MR. MONZON: I think it is a good
16 decision on its own and I think that - while not
17 articulated that way - I think the re-evaluation of the
18 park exercise is an example of that very thing, where
19 people have some very concerns with the way things were
20 going and that document looked at a bit of a fresh
21 view.

22 MR. DOUGLAS: If I may, I would like to
23 comment on that as well.

24 When we put up that diagram on the
25 management system, you had policy and land use planning

1 and district land use planning and resource management
2 planning. I think one of the results coming out of
3 that review is that these things are all connected and
4 that you really don't get the true meaning or
5 understanding from the public what they think, until
6 you get down to more and more specific levels.

7 At a policy level, you tend to have
8 either concensus or debate on a fairly philosophical
9 level. If you take that down to the next level, you
10 get more people involved because it is more concrete
11 and you start to understand what it means to them and
12 that goes down the process.

13 I think over the last ten years we are
14 now getting down to that stage of the process where we
15 are talking about specific resource management plans,
16 whether they are for timber, or whether they are for
17 parks, or whether they are for fisheries.

18 I think what we are doing is getting a
19 better understanding to see that people know
20 specifically what we are trying to do, and we are
21 getting an articulation of their concerns that would
22 relate back to policy.

23 So you go back through the cycle and you
24 certainly learn as you go through that cycle which
25 things really matter, which things don't matter.

1 And sometimes when you start off without
2 going through all those steps, your perception is not
3 accurate.

4 MRS. KOVEN: I know and unfortunately as
5 to go through the process they may change.

6 MR. DOUGLAS: You are continually
7 learning and adapting and that's why I wanted to stress
8 that diagram up there.

9 You get a different perception when you
10 move from one level to the other, and the personal
11 things as you go back and make those adjustments, and
12 it is unfortunate that it takes a long time, but you do
13 learn through that process where your strengths are and
14 where your weaknesses are.

15 MR. WILLIAMS: Q. Bearing in mind what
16 Mr. Martel said about the practicalities of the
17 situation - and it has been referenced by others on the
18 panel - aren't we really coming down to realizing that
19 there is, in the public consultation area as it
20 involves the potential for serious tradeoff discussion,
21 a difference between consultation on a passive basis as
22 contrasted to consultation on an accurate basis?

23 Isn't that part of the problem where
24 there is intimidation by virtue of the size of the
25 process or the awareness of the public out there, that

1 are simply being asked to be responsive rather than
2 being given, I guess, greater latitude and a feeling of
3 participation in a dialogue rather than a
4 monologue-type of approach basis.

5 MR. MONZON: A. That is certainly a very
6 real problem and it is a very real perception and, as
7 Mr. Douglas has indicated, we have to work harder at
8 making sure that when we enter into these types of
9 processes it is understood at the start that this is a
10 sharing situation and that we want to work together, it
11 is not an exercise where we are going through a
12 process of simply putting maps on the wall because it
13 says on page 4 of Section 3 of the Manual that you must
14 put maps on the wall.

15 Q. Let's assume then that it is
16 recognized that there is still room for improvement and
17 refinement of the process, having recognized that and
18 anticipation - and I am must say that, from my
19 perspective, there is certainly no fault in the
20 Ministry in the efforts you have made in the public
21 consultation area, frankly I think they should be given
22 more credit for those initiatives and perhaps more and
23 more attempts will be engaged in this process - but
24 recognizing that there are still deficiencies there and
25 given that you are going to address this problem we

1 have identified, is that enough in itself, or should
2 there not be some mechanism for referencing that in the
3 documentation once it has been dealt with and once it
4 has made a contribution to the process?

5 As you indicated in my earlier
6 questioning, there seems to be no cause/effect, there
7 has to be tradeoffs, dialogue with the public; isn't
8 there some way that this can be acknowledged so that
9 five years down the road when they come back to do the
10 review of the plan they know that the reason that
11 position was taken at the time was because of
12 underlying tradeoffs, discussion on particular issues,
13 so they don't have to go through that process again, or
14 I just guess they would have to see if they were real
15 and valid at that time.

16 Still, shouldn't there be some way of
17 formalizing these - not with the idea of specific
18 persons you talk to, not every specific issue, that's
19 understandable, I appreciate that - but somehow
20 references in a more specific fashion so that you can
21 get full credit for having taken advantage of that
22 process and showing it works well?

23 A. I have no difficulty with that.

24 Q. That's something then that the
25 Ministry will be prepared to take into consideration as

1 to how a mechanism could be put in place to accomplish
2 that purpose?

3 A. I think we have all acknowledged that
4 we need to do more work in the entire area and that is
5 certainly one that we have got to do some more work in.

6 Q. Exhibit 8, page 2, Mr. Monzon. I
7 think this brings me to the last area I want to discuss
8 with you. .

9 In the right-hand column under Resource
10 Management Planning, the very last paragraph:

11 "In future, all individual management
12 plans will receive their direction from
13 approved land use plans."

14 Is that direction going to be in a formal
15 or informal fashion?

16 A. That direction is -- I am not sure
17 what you mean by formal or informal fashion?

18 Q. Sorry, I look at formal as perhaps
19 meaning embodiment in the management plan of a clear
20 directive which establishes the framework within which
21 the plan might be developed or was developed rather
22 than taking it as a given?

23 A. Certainly the direction that we are
24 following now - and I can't speak over the last year or
25 so - but certainly up until -- the direction that was

1 intended here was that the land use guidelines
2 recognize the term planning to be used in the Strategic
3 Land Use Guidelines and that document will be used as a
4 document to provide general direction for the specific
5 -- for the development of specific individual resource
6 management plans.

7 The process for determining the degree to
8 which that document would in fact be utilized, would be
9 through not a procedural directive requiring that
10 specific aspects of the guideline be referenced at the
11 start of each fisheries management plan, but through --
12 my perception would be - through a monitoring process
13 and review of how well the district was achieving its
14 objectives and tying those objectives back through to
15 references in the District Land Use Guidelines to
16 determine the progress that was being made.

17 Q. That brings me back to the topic we
18 discussed before and that brings me back to whether it
19 would be or wouldn't be a quantum step forward to give
20 these plans and guidelines some type of formal status
21 within the management plans and thereby establish them
22 as the rules of the game, so to speak, within which a
23 framework of management planning would be developed.

24 A. I guess I would have to, again,
25 temper my response relative to the definition of the

1 term formal. I think there is a need to...

2 Q. In the sense of being incorporated
3 into the document, per se, as you had troubles with
4 before?

5 A. I still have the same troubles. My
6 concern is with the flexibility that exists with the
7 different -- that we want to maintain with the district
8 managers in order to meet the different problems and
9 issues that they are going to have to deal with, which
10 I am sure - while there are similarities between what
11 they are dealing with now and what they are going to be
12 dealing with in a number of years from now - we want to
13 be able to allow those managers to have flexibility and
14 creativity to deal with those issues perhaps in the
15 context of new management strategies as different
16 information develops.

17 I think it is important in this exercise
18 that we continue to keep our focus on the management of
19 the resource and we don't let the thought or the
20 philosophy of having a plan or a guideline to be
21 meaning an all encompassing thing that is driving us.

22 That plans -- we had discussion about the
23 issue about whether or not the plan was in and of
24 itself and could be carved in stone and how they would
25 be used and could be used and the fact that, in some

1 instances, particularly the municipal area, being sort
2 of a slavish adherence to it and we want to make sure
3 we avoid that.

4 Q. That may presume that that the
5 ability you have with regard to this matter would be
6 put to rest if it turned out that this Board, in its
7 wisdom, felt that there was sufficient merit in that
8 formalization or codification process to impose that as
9 a condition of approval or some of their -- whatever
10 conditions they might impose as part of their
11 conclusion process and you would be absolved of that
12 responsibility?

13 THE CHAIRMAN: I am not sure they have
14 much of a choice.

15 MR. WILLIAMS: That's right. I am
16 saying, he will sleep comfortably at nights, I am sure.

17 THE CHAIRMAN: And we would sleep.

18 MR. MONZON: I would not be lying awake.

19 MR. WILLIAMS: Thank you.

20 Q. Mr. Monzon, Mr. Douglas, is it your
21 view that timber management and forest management mean
22 one in the same thing?

23 MR. DOUGLAS: A. I believe we went
24 through this before. The definition of timber
25 management that we have in the document is my

1 definition of timber management.

2 I believe, for most people, the terms are
3 interchangeable. I recognize that for some it may have
4 a different meaning.

5 Q. I refer you to Exhibit 16.

6 A. Which is ...?

7 Q. The Baskerville Report, page 66.
8 Acknowledging the credentials of the author, I refer
9 you to the first paragraph under the heading Forest
10 Resource Management Planning.

11 Dr. Baskerville states:

12 "Timber management is a subset of forest
13 management."

14 I presume then that I take it that you are
15 in disagreement with Dr. Baskerville's views on this
16 subject?

17 A. He is using forest management in the
18 sense of managing those activities which happen in a
19 forest; i.e. a treed estate. So he is using it in a
20 very different sense than I was in my response to you.

21 Q. Well, is he not saying that one is
22 the lesser of the two or that one is merely a component
23 of the other?

24 A. I believe what he's saying is that
25 timber management is the sub-component of forest

1 management. I would say that timber management is the
2 sub-component of overall resource management.

3 Q. Sorry, can you give me that again.
4 It was very good, but I just missed it. It sounded
5 good anyhow.

6 A. What I'm saying is that Dr.
7 Baskerville is saying that timber management is a
8 subset of forest management. I am saying that timber
9 management is a subset of resource management and I am
10 using resource management dealing with water, fish,
11 fauna, a whole series of things that may happen on a
12 treed area.

13 THE CHAIRMAN: Is not the crux of the
14 matter how we are going to view the distinction or
15 definition of timber management versus forest
16 management with relation to this specific application?

17 If we are agreed, meaning the parties to
18 this application and the Board, that the terms can be
19 used interchangeably for purposes of this application
20 before the Board, is that not sufficient, regardless of
21 what people outside the process, using different
22 criteria or different definitions which they may choose
23 to use, apply to those terms?

24 MR. WILLIAMS: It is just a question of
25 whether they are agreed to or even synonymous within

1 the context of interchange within the context of Mr.
2 Douglas' view.

3 THE CHAIRMAN: Well, what I am suggesting
4 to counsel, and I throw this out for your
5 consideration, is that we deem the term to be
6 synonymous for the purposes of this hearing and this
7 application so that when they are used within the
8 context of this application they shall be treated as
9 being synonymous.

10 MR. WILLIAMS: Would it not be better,
11 Mr. Chairman, to say that they will be treated in such
12 a way that one is clearly applicable to the other, but
13 not clearly synonymous or of equal weight, because the
14 very point I have been trying to establish and make is
15 that one is an integral part of the other which is that
16 the whole timber management is forest management and
17 you have to apply one to the other.

18 THE CHAIRMAN: But as I understand it,
19 that is not the basis upon which the Ministry utilized
20 those terms.

21 MR. MONZON: That's correct.

22 THE CHAIRMAN: In conjunction with either
23 the 1985 Draft Agreement or the 1987 EA which is before
24 us.

25 Surely, if they utilize the terms in one

1 way and presented the application using the terms
2 interchangeably, then the Board or the parties to the
3 hearing at least view the documentation, view the
4 evidence that is coming in in the same light, then we
5 are all dealing with apples and apples rather than some
6 dealing with apples and others dealing with oranges.

7 MR. MONZON: That's exactly right, Mr.
8 Chairman, that's one of the reasons we have defined the
9 undertaking precisely as we have.

10 THE CHAIRMAN: I mean, Mr. Williams, you
11 can take any word in the dictionary and probably look
12 in another dictionary and find another slightly
13 different meaning.

14 All I am saying - and I think the Board
15 is concerned - let's all be on the same wave length in
16 terms of our appreciation of what both timber
17 management and forest management mean with relation to
18 this application and in the sense that those terms have
19 been used by the proponent in the formulation of its
20 application and documentation in connection therewith.

21 MR. WILLIAMS: I think that's probably
22 valid, Mr. Chairman. I think there is room for making
23 a distinction, notwithstanding, between the two,
24 recognizing that they are completely interrelated.

25 THE CHAIRMAN: But it is a semantic

1 distinction. What I am trying to say is there is a
2 substantive distinction with relation to how the Board
3 and the parties should be approaching these terms.

4 I acknowledge your suggestion that you
5 could place a different meaning on the two terms. I am
6 suggesting, for the purposes of this application, we
7 refrain from doing that and if we are all operating on
8 all the same basis, where is the prejudice to any
9 party?

10 Maybe there is and, if so, we would
11 appreciate you advising where the prejudice is so we
12 can consider that.

13 MR. WILLIAMS: I appreciate what you are
14 saying, Mr. Chairman.

15 THE CHAIRMAN: Otherwise I think we are
16 going to get into this throughout the course of the
17 documentation that every time we run into the use of
18 the term -- two terms, some people are going to say to
19 us it means this and others are going to say to us it
20 means that, and I think in our discussion yesterday as
21 to what is before the Board and what questions we are
22 going to be dealing with and what evidence upon what
23 topics we are going to be considering, I thought there
24 was virtual unanimity amongst the parties present that
25 they were, in effect, talking about the same thing.

1 I mean --

2 MR. WILLIAMS: We are certainly talking
3 about both things when they come together as part of
4 the process.

5 THE CHAIRMAN: Well, okay.

6 MR. WILLIAMS: I am sorry, I don't want
7 to be difficult, Mr. Chairman.

8 THE CHAIRMAN: I know you are not trying
9 to be and I am not suggesting that you are.

10 I am just saying that I think at some
11 stage of the game we are going to have to resolve this
12 discrepancy in terms of the use of timber versus forest
13 and I am suggesting, for the purposes of the hearing
14 and the parties to the hearing, that the way the terms
15 have been used in the application and the understanding
16 of the proponent when they use those terms, that we
17 consider them to be synonymous.

18 MR. WILLIAMS: I understand what you are
19 saying, and I advise that I will accept what you are
20 saying.

21 If I might, just in the next question,
22 you might appreciate why it is still valid to make the
23 distinction, if I could just proceed.

24 THE CHAIRMAN: It is your
25 cross-examination, please proceed.

1 MR. WILLIAMS: Q. Let me use an.
2 Example first of all, just before I give an example,
3 can we go to the bottom of page 71 of Dr. Baskerville's
4 Report, Under the heading Optimum Benefits, and then
5 going on to the top of the page:

6 "The principle of integrating --"

7 Sorry, are you ready?

8 MR. DOUGLAS: A. Yes.

9 Q. "The principle of integrating the
10 management of timber and non-timber
11 values is essential to the broad concept
12 of forest management. When timber is
13 managed by altering forest structure,
14 other values are influenced. Therefore
15 it is wise to design these affects on
16 non-timber values into the timber
17 management plan."

18 That's the perspective I put on the sub
19 an, as such, see the distinction and if I might by an
20 example, get your comment just on the example.

21 I will say a farmer who has a farm
22 outside Woodstock carrying on a mixed farming operation
23 in southwestern Ontario, he came to you asking you to
24 develop for him a farm management plan so he can work
25 his farm more efficiently in this situation.

1 Would you do simply a crop analysis to
2 give him a crop management report without also
3 considering the area milk side of the operation or
4 poultry side of the operation?

5 A. Sorry, what kinds did you first say?

6 Q. The dairy milk operation that he
7 might have on a farm or a poultry operation.

8 Surely they all have to be considered
9 within a comprehensive farm management program to be
10 able to give him an overall assessment that you
11 couldn't evaluate one segment of it without taking into
12 consideration all these other factors.

13 Is that not a fair analogy to draw here?

14 A. Let me come back and I will give you
15 my impression of how I would look at that example.

16 If I am a farmer and I am the general
17 manager for the farm, and I have set some general
18 direction for what I want to do on the farm, I want to
19 be in both those operations, and I have somebody
20 managing the dairy part of the operation and somebody
21 managing the poultry, I would say: Okay, guys you tell
22 me how you want to go about this and come back to me
23 with this plan.

24 When the dairy manager brought back the
25 plan, I would want to make sure that he took into

1 account the effects on the poultry operations. I would
2 not accept his plan unless he showed me that he had
3 done that and, in fact, in doing his dairy proposal
4 that wasn't causing particular problems in respect to
5 the poultry operations.

6 Similarly in the poultry sub-manager came
7 to me with his proposal within the context of my
8 general direction, I would say: Okay, have you taken
9 into account the way you want to do business in terms
10 of the dairy. I would go back and check with the dairy
11 guy.

12 So that's the way I would like it and the
13 way I would like it is: I would make sure that the my
14 sub-managers, first of all, were consulting with each
15 other, I would make sure that before I approved either
16 one of them, me being the district manager or general
17 manager, I would take those things into account.

18 So I guess what we are talking about is
19 the question of whether you are making all the
20 decisions at once or whether you were going at it in
21 two stages, making sure you get down to the specific
22 stage; i.e., dairy versus poultry with reference back
23 to my general plan for my farm and, in fact, one of
24 these guys hasn't gone off and come up with a proposal
25 that has a negative impact on the other guy.

1 Q. So your dairy operation doesn't stand
2 in isolation and has to be dealt with within the whole
3 farm management program that you have to develop?

4 A. I wouldn't let either one of those
5 bring back a detailed proposal and achievement that
6 would make the other person's objectives impossible,
7 and I would try to encourage them to work together, and
8 they would soon get the message that I would not accept
9 a proposal of either one of them which didn't take the
10 other's into account. I would tell them to go back and
11 do it again.

12 Q. So you are certainly being consistent
13 Mr. Douglas, and that's the way you are applying timber
14 management to forest management for this undertaking?

15 A. No, that's how we are applying timber
16 management to the overall Ministry mandate which is
17 resource management or as defined in the guidelines.

18 The guidelines say - the guidelines, if
19 you want, as sort of my general direction for my farm,
20 and I won't go back to how I got the farm and those
21 other details, but let's assume there has been a
22 decision made that I want to, for example, specialize
23 in one activity or another, assuming that a decision is
24 being made, I have a context in which I would evaluate
25 or assess what my sub-manager brought to me.

1 MR. MARTEL: It is a big farm, isn't it,
2 Mr. Douglas, in the final analysis of what we are doing
3 out in the bush?

4 MR. DOUGLAS: Yes, it is. I would have
5 more than two sub-managers and I would find that there
6 are certainly advantages to having some specialists,
7 sub-managers who particularly know their individual
8 business as well.

9 That doesn't mean that they can make
10 decisions to the detrimental impact of the others, but
11 real advantage of having the dairy guy is that he
12 really knows how to raise cows.

13 So that's how I respond to your analogy.

14 Q. I am not arguing with that, I just
15 think that this shows a distinction that I am having
16 difficulty with resolving in the area of the
17 undertaking of timber versus forest.

18 THE CHAIRMAN: Mr. Williams, if there is
19 a distinction, what is the bottom line with respect to
20 your distinction?

21 MR. WILLIAMS: I just think it is
22 important to know that that is the base from which the
23 process comes together and all those other factors will
24 be taken into consideration on an equal foot basis.

25 If I might, from the beginning the

1 non-timber values are not considered as an
2 afterthought, they have to be part of the whole
3 package. I guess that's more moving forwards, Mr.
4 Chairman, trying to resolve it in the most attractive
5 way possible.

6 Q. I turn to Document 11, Framework for
7 Resource Management Planning, Procedure 2...

8 MR. FREIDIN: What page?

9 MR. WILLIAMS: Page 182.

10 MR. DOUGLAS: Yes.

11 MR. WILLIAMS: Q. Under the heading
12 Application, the second paragraph:

13 "It is recognized that a number of
14 resource management plans, planning
15 manuals and guidelines are in place. it
16 is therefore impractical to bring these
17 existing documents into immediate
18 conformity with the 'Framework' paper
19 however, it is expected that, in the
20 long-term, the intent and principles as
21 established in this paper will be
22 incorporated when new guidelines and
23 manuals are developed or when existing
24 ones are reviewed and revised."

25 Mr. Douglas, how do we get from the

1 intent and principles that you want to incorporate into
2 guidelines and manuals that reflect your integrated
3 resource management philosophy?

4 How can we incorporate those things in a
5 practical working way to give greater substance to the
6 planning process in the formulation of those timber
7 management plans in particular?

8 A. Okay. Let me go back and try to
9 describe the process for developing the Timber
10 Management Planning Manual and you should appreciate
11 that these two documents were being done -- at
12 approximately the same point in time we were developing
13 the Framework and developing the Timber Management
14 Plan.

15 What we did was, in the development of
16 the Timber Management Plan and the review of that
17 Timber Management Planning Manual and the review from
18 the corporate level, which I had responsibility for, we
19 wanted to make sure we checked out whether it met those
20 general principles.

21 So that's when it went to the Deputy
22 Minister for approval, at the end of '85, that my
23 advice to the Deputy was in fact that this manual has
24 incorporated the principles which the Ministry was
25 attempting to achieve in all those resource management

1 planning manuals.

2 So the analogy here is a little difficult
3 to make because of two things coming up almost
4 simultaneously. I will give you a better example.

5 We have got the Fisheries Management
6 Planning Manual which was developed under this
7 Framework. There is a Lake Planning Manual which is
8 being revised right now - it is ten years old - as a
9 whole, it will have to go through that process and make
10 appropriate revisions to all principles here as well as
11 the steps in the planning procedure.

12 I imagine because of the decision that
13 was made this week in respect to the parks, there will
14 be a revision to the Park Management Planning Manual.
15 When that comes to the Deputy Minister there will be
16 review at the senior level to make sure in those
17 revisions they have captured the principles and the
18 intents that are identified here.

19 So what that document gives us is a
20 baseline from which we can assess and evaluate
21 individual manuals for planning of individual
22 resources.

23 There will be some interpretation when we
24 do that evaluation because there are some variations
25 when you go from one resource to another. We certainly

1 have a common baseline, so we will look at each one of
2 those.

3 Q. I have no argument with what you are
4 saying, but please help me: How do we translate those
5 principles into the working documents that are
6 practical and workable and that give to the concerned
7 public a clear appreciation of the values in working
8 terms so that -- just stop there.

9 A. When I see the application of the
10 Framework, I see an application in two ways.

11 One is in process, and there were certain
12 process requirements involved in the development of a
13 plan. There are other things that I would say are more
14 or less attitudinal in nature.

15 And if you remember back to Mr. Monzon's
16 description of integrated resource management, you are
17 trying to deal with a positive attitude to make sure
18 that that system works the way it was intended.

19 The best way to deal with the attitudinal
20 aspect is, I think, through training. You have to sit
21 down with people who are applying the manual which will
22 have its process requirements clearly defined, but make
23 sure that they understand the intent in applying that.

24 I think if you get back to Dr.

25 Baskerville, Dr. Baskerville criticized the Ministry in

1 the sense that when these people, these unit foresters
2 pick up the Timber Management Planning Manual they look
3 at the process and they do not have the understanding
4 that we would hope they would and which we are now
5 seeking to give them in terms of how to use this in an
6 attitudinal sense, as a positive sense, something that
7 gives you guidance, doesn't pre-determine your
8 decisions, but it gives you a philosophy of approaches
9 to the management of that resource.

10 Q. Let's come to Dr. Baskerville, page
11 67 of Exhibit 16, still in the same area.

12 In the middle of page 67 Dr. Baskerville
13 says:

14 "The absence of cause/effect connections
15 in the OMNR planning is exemplified by a
16 prevalence of statements of principle and
17 by certain general phrases in the plans
18 such that one encounters the same
19 verbiage in plans written far apart in
20 time and place. When the authors were
21 asked why phrases, which clearly were not
22 their own, were in their plans the usual
23 reply was that it was required by Region.
24 Such all-purpose word sets have been
25 termed "boiler plate" and while it may

1 sound good to the non-technical reader,
2 boiler plate conveys nothing of
3 substance."

4 Does that not touch on the problem we are
5 trying to resolve here and I give you credit for trying
6 to work diligently. Isn't that part of the problem?

7 A. Because of that statement in
8 particular, we went after Dr. Baskerville's Report in
9 '86 and made particular revision to the Timber
10 Management Planning Manual.

11 So that in the thinking process that we
12 wanted to go through in the development of a plan we
13 tried to replicate as closely as we could for a
14 corresponding process that we could redefine.

15 We were very careful in the words that we
16 used in order not to suggest that there was a
17 predetermine solution of anything. You had to look at
18 specifics, you had to do a proper analysis, the
19 thinking and then come up with some kind of activity
20 that would address your objective.

21 So we took particular efforts in
22 redefining and making those revisions in '87 to address
23 this concern and when we get to Panel 15, I believe it
24 is Step 2 or Step 3 of the planning process which deals
25 with the objectives which I believe don't hold to the

1 particular section. That's where major changes were
2 made to counteract this perception that Dr.
3 Baskerville picked up talking to a number of unit
4 foresters.

5 Q. Just for a minute or two, I just with
6 want to come to a point that -- a matter I explored at
7 some length with Mr. Monzon, but because you are on
8 your own line and you are - what did they used to say,
9 that something stops here.

10 I would like to have your view, if I
11 could, of what I was exploring with Mr. Monzon relative
12 to incorporation into or the incorporation of some of
13 the District Land Use Guidelines into other management
14 specific plans as a vehicle for giving greater clarity
15 of purpose and definition to that planning process.

16 Would you like to comment on that matter?

17 A. Yes, and I think I would like to
18 comment in the context of Dr. Baskerville.

19 Mr. Monzon said that there was a concern
20 with inflexibility one codified - to use your term - a
21 district guideline. I think that Dr. Baskerville's
22 concern was that when you got to the end where the
23 action is, where the buck stops at the resource
24 management level where you made --

25 Q. That is the term I was looking for,

1 where a buck stops.

2 A. That's where you make a specific
3 decision on how -- the how, the when, the specifics,
4 where you need some general direction. You don't start
5 from an inbetween state but, ordinarily, you have to do
6 an analysis on the spot, you have got to define exactly
7 what you are going to do, you have to know the effect
8 of that.

9 We are talking about an attitudinal
10 thing, it is not something that's totally objective or
11 anything like that, we want the emphasis on the
12 resource management planning level because that's where
13 decisions are made and, although it is possible, of
14 course, to deal with any sort of subsets of definition
15 or what the status of various plans or guidelines are,
16 I think that to the degree that we formalize - to use
17 your term -- or codify District Land Use Guidelines, we
18 will have more problems trying to get our staff to be
19 creative at the resource management planning level.

20 And I think that formalizing those
21 District Land Use Guidelines would further -- or would
22 make it more difficult to deal with this particular
23 concern that Dr. Baskerville raised.

24 Q. Perhaps the term formalize would
25 cause your people to back up and feel they are getting

1 themselves into a narrow corner, so rather than
2 formalize -- let me reword it to the point of saying:
3 Wouldn't these plans be more useful if they were
4 incorporated to the extent that they were relevant into
5 these management specific plans?

6 A. Can I use -- do you want to go back
7 and use a plan in the formal sense? Which one were you
8 referring to? .

9 Q. I am talking about a District Land
10 Use Guideline, even though it is not unlawful - but in
11 the technical sense everybody keeps reminding myself
12 and others that it's not technically legal because it
13 is regulation or statute - but still it is not an
14 unlawful document, so it is somewhere in the middle I
15 guess.

16 A. Sure. I wasn't sure what you are
17 exactly asking and I didn't want to give an incorrect
18 answer based on confusion.

19 Q. The apprehension that has been
20 experienced by Mr. Monzon and yourself would
21 probably -- I interpret your comments of that magnified
22 tenfold down among the staff of the fear that what they
23 put on paper locks them into a position and they just
24 don't want to be out there.

25 But how are we going to make better use

1 of District Land Use Guidelines if they are not -- the
2 linkage isn't clearly evident to the consumer public as
3 reflected in management specific documents, rather than
4 taking it on the basis of an assumption that those
5 guidelines are over there and we have used them and
6 relied upon them in developing our management plan
7 until such time as we can get the land use intent and
8 land use activities outlined in those districts and
9 that is the bottom line of the floor for development of
10 that management plan and it's clearly shown there, how
11 can the public have confidence in the fact that the two
12 have been properly linked?

13 A. Well, I agree with your comment that
14 I don't believe the public has understood widely how
15 some of these things link together.

16 The way the Ministry does business - and
17 I know I can't lead evidence, but we have just produced
18 a document which tries to define how we make decisions
19 and what's the relationship among the various levels.

20 And, again, Mr. Chairman, I just don't
21 know what I can do - but stop me, I am sure you will,
22 if I overstep my bound - but what that document does is
23 tries to establish and identify the relationship
24 between strategic land use planning, district land use
25 planning, resource land use planning, operations on the

1 ground and the relationship to environmental assessment
2 as this Ministry sees it.

3 As well, it identifies the Ministry's
4 guide -- how the Ministry looks at public involvement,
5 the role that plays in doing land use resource
6 management planning.

7 So in terms of your concern, which I
8 share to some extent, that the public needs a better
9 understanding of what the links are, we have just
10 produced this document.

11 In terms of...

12 Q. If I might just stop you there.
13 Doesn't that really identify the problem and/or the
14 awareness of the problem because of, in the example you
15 use, the very fact that the citizen out there has to go
16 to an outside document to find evidence of that linkage
17 to feel comfortable that the guideline -- district land
18 use guideline has been applied in the process.

19 Doesn't that, in fact, come to the very
20 point of concern that I am trying to raise with you
21 that: Why should they have to go to outside
22 documentation if it can be incorporated in there and
23 you feel comfort.

24 THE CHAIRMAN: Mr. Williams, I am not
25 trying to restrict your cross-examination in any way,

1 but as I see the line of your questioning over the last
2 little while, you have explored with Mr. Monzon what
3 his objection, if any, would be to incorporating the
4 guideline into other documentation at a more particular
5 level such as in district planing; he has explained
6 what his concerns were on unit foresters or other
7 people in the field.

8 You have explored the same questioning
9 effectively with Mr. Douglas and he has also expressed
10 his concern with doing just that. And both of them
11 have acknowledged, to some extent, that there is
12 perhaps a public perception or misperception of these
13 linkages, because I think both have indicated their
14 position that they would be reluctant to have them
15 incorporated formally and would like to deal with this
16 public perception through some other...

17 As an example there, when you referred to
18 this guide or citizens' aid or whatever document it is
19 he just referred to, I am not sure whether you are
20 going to get any further than asking them: Would they
21 object to it being incorporated, and they answering the
22 question: We have some concerns and we probably would
23 not be comfortable with that being incorporated
24 tomorrow. They have a point of view, and they have a
25 different point of view, and I think both have been

1 stated.

2 MR. WILLIAMS: I appreciate your
3 guidance. I have a couple of questions left for Mr.
4 Douglas.

5 MR. MARTEL: Is that public document you
6 have spoken about available?

7 MR. DOUGLAS: Yes, we have a box here.

8 THE CHAIRMAN: Would you object at this
9 stage if we mark it?

10 MR. WILLIAMS: I was going to suggest
11 perhaps it should be marked as an exhibit. Perhaps we
12 can entitle, Mr. Douglas...?

13 MR. DOUGLAS: Resource Management-Working
14 Together.

15 THE CHAIRMAN: As Exhibit No. 27.

16 ---EXHIBIT NO. 27: Document entitled: Resource
17 Management-Working Together.

18 MR. DOUGLAS: For the record, Mr.
19 Chairman --

20 THE CHAIRMAN: Sorry.

21 MR. DOUGLAS: For the record, this is in
22 English and in French. We are now working with the
23 Native Affairs to have this translated into the native
24 language.

25 THE CHAIRMAN: Thank you.

1 MR. WILLIAMS: With your indulgence,
2 given that you have now put it in as an exhibit and Mr.
3 Douglas did offer it as an example of the process, I
4 raised this question with him: Would it not heighten
5 an awareness problem that the public will have to go to
6 outside documentation to appreciate how the linkage
7 occurs.

8 I raised that question with him and he
9 didn't have an opportunity to answer it, and that was
10 the last question he had.

11 Q. So perhaps, Mr. Douglas, if you
12 could...

13 MR. DOUGLAS: A. Well, I think the issue
14 that we are dealing with in reality is how many
15 decisions get made at once, and is it better to give
16 general direction and move down and make more specific
17 directions -- decisions and then ensure that you have
18 processes in place to make sure those proper linkages
19 are maintained.

20 In terms of internally, I would submit
21 that the procedures I have identified in respect to
22 integrated resource management and the Board will be
23 given further evidence in respect to timber management
24 that will show that this does, in fact, occur.

25 I think we are now getting a better

1 public understanding of what these linkages are and we
2 are trying to facilitate it with this document. I
3 guess it does become a point for debate whether in fact
4 one would take an entire section of the District Land
5 Use Guideline and inserting that into the Timber
6 Management Plan.

7 It is our view that that's not necessary.
8 What should occur is that there is reference to the
9 District Land Use Guideline and if decisions are made
10 during timber management planning that require
11 amendments to the District Land Use Guidelines, those -
12 in fact it may - we have a procedure in place so that
13 changes will be made when we have completed, for
14 example, the timber management planning or fisheries
15 management planning, so the linkage is back there
16 formally in our internal system.

17 Q. In your internal system?

18 A. One of the problems is that when you
19 get into public involvement, if the scope of the
20 decisions aren't very clear at that point in time, it
21 becomes a very confusing process for the public.

22 I think there is an expectation that all
23 decisions get made at one level and in reality that's
24 not the case.

25 What we try to do in the development of

1 our management system is to try to clearly identify out
2 what ranges of decision get made at what step in the
3 process. I think that leads to more effective and more
4 efficient management within the Ministry and a more
5 effective and efficient public involvement program in
6 the long run.

7 Q. Mr. Douglas, I just have two more
8 matters I want to explore with you.

9 Would you go back to Exhibit 16, Dr.
10 Baskerville's Report, again, page 71.

11 I did make reference to those paragraphs
12 earlier, but I just want to take you one step beyond,
13 if I might, just to give you an idea of the comfort
14 that I am seeking.

15 At the bottom of 71 the report said:
16 "The principle of integrating the
17 management of timber and non-timber
18 values is essential to the broad concept
19 of forest management. When timber is
20 managed by altering forest structure,
21 other values are influenced. Therefore
22 it is wise to design these effects on
23 non-timber values into the timber
24 management plan. The OMNR planning
25 process makes frequent reference to

1 integration, and to attainment of optimum
2 benefits from the forest."

3 If I can take you from there over to page
4 12 in the Framework Document, in Dr. Baskerville's
5 Report, it is stated in the report - the paragraph
6 immediately above the heading Area Regulation refers
7 to -- two sentences there in having a relationship to
8 other branches and reads as follows:

9 "The fundamental problem with the
10 integration of non-timber values in the
11 cases examined..."

12 I would have to assume examined enough to
13 arrive at this conclusion:

14 "...is that they are not being managed
15 towards any measurable objective level.

16 The non-timber values entered the
17 management planning process as
18 constraints to timber management design
19 and not as part of an objective with
20 forest management design."

21 Can I have your comments on that
22 assessment?

23 A. Well, I believe I answered somewhat
24 of a similar answer the other day. Dr. Baskerville
25 strives towards measurement of the need to quantify

1 relationships, quantify objectives and to ensure that
2 particular actions are taken in order to achieve those
3 identifiable ends.

4 As I said the other day, there are
5 objectives, for example, for rice and moose at a
6 district level but you don't find them in the timber
7 management plan, you will find them in other plans,
8 resource management plans or in a more general sense in
9 the District Land Use Plans.

10 So there are quantitative objective
11 statements for management of these other resources
12 within the Ministry's system, not necessarily within
13 the timber management plan -- not within the timber
14 management plan, but within the Ministry's system. So
15 that's a distinction I would like to make.

16 Would you enter them -- if you look at one
17 plan, you will get this kind of perception because the
18 forester sits down and develops his plan and he has to
19 make reference to other uses and the expectation is
20 that he takes those things into account in coming up
21 with his timber management plan.

22 If you are looking --

23 Q. How does the average citizen on the
24 street know that he developed that linkage and was
25 aware of that need to bring the two together if it

1 isn't recited in the plan?

2 A. In terms of the plan - and again we
3 are talking about what's going to be presented to this
4 Board in 15 - that process will be defined in detail,
5 that area of concerned planning process, so we will
6 have an explanation of it.

7 The point I was trying to make is if you
8 ask one person who is preparing one plan when he may
9 respond then he uses the fact that he has to take into
10 account other uses as a constraint over him.

11 So the foresters take into account
12 fisheries and most may view those as constraints on him
13 producing timber to the mill.

14 On the other hand, if Dr. Baskerville was
15 looking at fisheries planning, he would get a different
16 perspective.

17 When you fit these altogether, each of
18 the particular programs is required to take into
19 account the concerns of the other programs. So if you
20 fit the whole system together the integration occurs.

21 Q. Except they are not identified in the
22 plan, per se?

23 A. They will not be in one single plan
24 except the land use guidelines will give you a general
25 number. They will get more precise when you get down

1 to more individual resource management planning.

2 Q. But wouldn't the plan, as a whole,
3 benefit from consideration of all those other
4 individual or independent plans and if they are not
5 recognized as such in the document itself as
6 contributing to the value of that plan, isn't something
7 lost in the translation?

8 A. Well, I think you will be able to
9 tell those particular modifications to harvesting, for
10 example, that were undertaken for particular purposes
11 when Panel 15 identifies the area of concern to
12 plans -- the area of concerned planning process.

13 They will clearly identify that thinking
14 process which makes those adjustments and they will
15 have rationales for decisions that are made. So one
16 can pick up that plan and find out what modifications
17 were made for what purpose.

18 So if you were interested as an angler in
19 what happens in this timber management plan to protect
20 fisheries values, we will be able to show you.

21 Q. We will be able to show you. In
22 order to make that determination where does the public
23 citizen have to go to be shown?

24 A. I am using the we in the sense that
25 the Ministry, in presenting its case to the Board, will

1 make that clear.

2 THE CHAIRMAN: I think what Mr. Williams
3 is commenting on: Can the person -- the average
4 citizen looking at the plan determine from the plan
5 that those considerations have been taken into account.

6 It is an acknowledged planning process to
7 the Board and the application, but what about the
8 citizens looking at the plan, can they determine that
9 from that plan?

10 Is that basically what you are saying?

11 MR. WILLIAMS: Absolutely.

12 MR. DOUGLAS: I may be getting out of my
13 depth, but there is within the Timber EA Document the
14 requirement for documentation of the evaluation and the
15 result of that evaluation in areas of concerned
16 planning process.

17 Just give me a second and I will try to
18 identify it. The Appendix 1 talks about planning
19 procedures for modified operations...

20 MR. WILLIAMS: Q. What page are we on?

21 MR. DOUGLAS: A. We are talking about
22 Appendix 1 as identified earlier. These are not
23 sequentially numbered.

24 MR. FREIDIN: The page immediately after
25 202?

1 MR. WILLIAMS: Q. Exhibit 4, page 202.

2 MR. DOUGLAS: A. If you turn to page 5
3 of that Appendix.

4 Q. Yes?

5 A. And again I am not an expert in this,
6 but what it says, you go through that planning
7 allocation process and then it says, selection of
8 preferred, most acceptable, modified management
9 prescription for each area of concern or associated
10 type of area of concern is reported in the
11 supplementary document which must accompany the timber
12 management plan.

13 That supplementary document will describe
14 how the planning procedure was applied; the sporting,
15 recreational for the selection.

16 So it is not in the plan itself, but it
17 is in the supplementary documentation which is
18 available to the public on request.

19 Q. Why does the average citizen have to
20 go to other documentation to find all of the answers to
21 the package that's there and to appreciate and
22 understand and remove the apprehension they might have
23 about the incomplete document not based on the total
24 assessment of the issues that brought about the
25 development of that plan?

1 A. I guess -- we are really looking at a
2 situation in terms of how complex and long do you want
3 an individual document to be.

4 We have made the determination that we
5 think it is more preferable that the output from that
6 exercise clearly identify what's to occur. So you can
7 pick up the document and that document is going to tell
8 you what's going to happen.

9 There is no attempt to hide how that
10 decision is made and it will be, in fact, available for
11 the public who wish to see it.

12 So we have made a determination of where:
13 Do you cut off, if you wish, the things called the plan
14 and the documentation that supports the plan.

15 Q. When that document that supports the
16 plan is so relevant, why can't it at least be
17 referenced in the plan?

18 THE CHAIRMAN: But, Mr. Williams, if the
19 documentation supporting the rationale is an appendix
20 to the plan and also available and is relevant and is
21 detailed and incorporated into the plan itself, would
22 it not make the plan just as complex as putting the
23 plan together with the appendix; so that the public, in
24 trying to read the plan, would have to go through pages
25 that would normally be in terms of an appendix?

1 MR. WILLIAMS: I appreciate in terms of
2 logistics that detail. I am trying to determine how
3 their mechanism...

4 THE CHAIRMAN: If you made just a general
5 statement and added a one-liner to the plan to say that
6 the public's concerns were taken into account and maybe
7 a rationale for those concerns may be found in appendix
8 such and such, does that really help the public all
9 that much to know it has all been done but has to look
10 for it elsewhere?

11 If you incorporate it in the plan itself,
12 the plan is going to be just as long, the plan and the
13 appendix taken together, isn't that the case?

14 MR. WILLIAMS: I see the middle road
15 here as ingenuity - maybe some form of synopsis being
16 incorporated, without bringing in all the detail, of
17 ensuring to that citizen that matters of concern were
18 taken into account and this is the sum and substance of
19 what that plan has to say, and whether it be both
20 figures or one synopsis, because your spinning wheel
21 brings all those documents forward in its totality and
22 brings it into the plan. I think it is self-defeating.

23 On the other hand, not to reference the
24 needs of individuals, that creates what I view as a
25 major problem, but I don't know essentially where I am

1 coming from and --

2 MR. DOUGLAS: Mr. Williams, maybe I can
3 help you in a subject I am not an expert in.

4 To take a practical example, a tourist
5 operator may have a concern about where the access road
6 is going to be. We would have identified that at a
7 certain stage in the timber management planning
8 process.

9 When that plan is prepared, that would
10 inevitably become an area of concern. There will be a
11 stripping preparation which will say something like:
12 The road will be kept X - whatever X is - away from
13 that camp, tourist camp.

14 So then even though he won't be able to
15 go through all the analysis by looking at that plan
16 that the Ministry went through in its particular
17 process, he will have the results there and it will be
18 pretty clear to him what has happened in response to
19 his concerns.

20 So what we find when we get to the level
21 of the timber management plan and, in fact, most
22 resource management plans, is that an individual person
23 has an individual concern for an individual location
24 and it is not difficult to go back and look at the plan
25 and see from the map -- in the reference to that map

1 what has happened in respect to the particular
2 location.

3 MR. WILLIAMS: Q. Let's move on to
4 something else.

5 The last area of concern today is to be
6 considered under Document 9 of your statement of
7 evidence, page 175 and it is reiterated again; that is,
8 the Framework for Resource Management Planning in the
9 Ministry, or the policy aspect of it, and also in
10 Document 11, page 190, which is your Framework for
11 Resource Management Planning.

12 Are you there?

13 A. Yes.

14 Q. In Document 9, the very opening
15 statement under the heading Background, and it is also
16 stated in the second paragraph, with perhaps a little
17 more embellishment, on page 190 of the Framework
18 Document itself in the second paragraph.

19 Essentially both say:

20 "In the spring of 1984, the number of
21 options for resource management planning
22 were presented to MNR staff as an
23 integral component of the Ministry's
24 statement of philosophy of integrated
25 resource management."

1 And in the latter document it refers to
2 an Appendix A which is at page 226 of that Document 11.

3 Just before going to my question on this,
4 I didn't see in Appendix A the options that were
5 considered, but rather a set of principles that
6 constitute the integrated resource management approach.

7 I am just wondering whether I have missed
8 something in looking at Appendix A as a resource tool
9 for understanding the options that you considered back
10 in 1984.

11 Okay,. and let me repeat that we are
12 making reference to page 226, 227

13 A. Of the statement of philosophy?

14 Q. Yes, and when I turn to that appendix
15 I wasn't looking for a statement of philosophy, I was
16 looking for the options that you considered at the
17 outset when you started to develop this philosophy of
18 integrated resource management.

19 You seemed to be setting out in the
20 appendix, rather, what the philosophy is that you
21 arrived at.

22 A. Okay. There was a fair number of
23 steps in this process. In 1984 we went out -- we
24 prepared a draft paper for discussion which we took to
25 the various programs in the regions.

1 That paper included some general
2 principles about integrated resource management, some
3 idea of what my staff and I thought it might be and, as
4 well, we had a particular separate section on
5 options -- planning options, if you wish.

6 We went through that exercise, we came
7 back and we decided we needed two things. The first
8 was general: It was a statement of philosophy; that
9 is, page 226 and page 227, that is not particularly
10 focused on resource management planning, it is a
11 general thing. The Framework Document was, in fact,
12 our response to discussion on resource management
13 planning.

14 So there was a separate document prepared
15 dealing with resource management planning, what we saw
16 as the basic principles for it, what we saw as basic
17 steps in that process, what we saw as the roles and
18 responsibilities of the various Ministry staff in making
19 it happen, and the way we thought it should happen.

20 Q. I am just putting it out in case
21 somebody suggested that Appendix A was the answer to
22 what the options were that were considered. I just
23 wanted clarification on that.

24 The point I am coming to, and it is
25 simply this - and frankly, I have been quite impressed

1 with what you have given us in evidence-in-chief and
2 the meticulous way in which you have set up the
3 process - and it seems to answer a lot of concerns, at
4 least for those people who know -- who have the
5 opportunity, like we do, to see how the process is
6 pulled together.

7 But while you have given us the nuts and
8 bolts of the system, so to speak, in great detail, what
9 I don't, as I mentioned a moment ago, see is what the
10 real options were that were considered at the very
11 conceptual stage of deciding whether you would go the
12 integrated resource management route or not, and I
13 guess even pre-1984, and so I guess my question to you
14 is: How did the process evolve to the point it did in
15 1984?

16 A. You are going back before I was
17 actively involved in it, but I will try to give you my
18 sense of the -- my understanding of the history.

19 What you had starting in '72 was an
20 effort in land use planning which Mr. Monzon has
21 described. You also had, for a long time in place, a
22 process, in other words, timber management planning.
23 It was done in different ways. There was a couple of
24 manuals in place as opposed to just one, but there had
25 been a long history for planning for that resource.

1 In probably the early 70s I think we
2 developed a fairly sophisticated park management
3 planning process. So you have those things going on.

4 We then went through the exercise of
5 regional and district land use planning. From that we
6 had some sense of what was important, how should things
7 happen, how could this Ministry most effectively
8 integrate its efforts at the next level.

9 So we went out and sought some input from
10 all of the staff who were at the region and the group
11 level. We also talked to those people who had been
12 particularly involved in the land use planning program
13 themselves because they had spent more time than
14 anybody else in the Ministry at the planning level
15 trying to fit things together.

16 Based on that we tried to produce a
17 number of options of bringing this together and we had
18 a very wide range of options and those -- the paper,
19 the '84 paper that has in fact been put in as an
20 exhibit -- I cannot tell right now what the number is.

21 Q. All right. Well, I think you have
22 taken me far enough to the key point I want to make
23 here and a piece of information I want to elicit from
24 you.

25 So you went to your staff for input and,

1 of course, I realize you are disadvantaged if you
2 weren't there at the time and it may be secondhand
3 knowledge.

4 A. The present -- like I wasn't involved
5 in some of the stuff in the 70s, for example, myself.

6 Q. Did the powers that be at the time,
7 in trying to pull together a meaningful planning
8 process such as you have in seeking other options, go
9 outside of the Ministry, did you go to other
10 jurisdictions looking for other alternatives to the
11 system that you have in place today? .

12 A. I had discussions with people outside
13 the province, yes. We looked at some of the other
14 systems that were in place.

15 Q. Can you identify those systems?

16 A. In our view --

17 Q. Or the jurisdictions.

18 A. We looked --

19 Q. I don't want you to get into detailed
20 alternatives, I just want to know where your resource
21 material was or what resources you relied on outside of
22 the jurisdiction.

23 A. We had discussion with the Province
24 of Alberta, we had some idea of what was going on in
25 B.C., although that program on an integrated basis or a

1 comprehensive basis did stop in the late 70s, we had
2 knowledge of how that happened.

3 There were meetings of planning staffs of
4 various provinces from time to time.

5 Q. I think you mentioned one earlier in
6 the evidence. When you answered one of my questions
7 you made reference to having sought material from U.S.
8 sources.

9 Was that area tapped for possible
10 alternatives to look at in developing your program?

11 A. I don't believe I specifically said
12 that but, in fact, I was knowledgeable about the
13 various kinds of water management planning that was
14 going on in the States because that was my area of
15 involvement previous to 1983.

16 And I have looked at the various
17 integration approaches that they have taken for that --
18 for the water management and some of that could get
19 very comprehensive if you get into the Tennessee
20 Valley.

21 We had knowledge of how that system
22 worked, we had some knowledge of how things had been
23 done in the U.S. Forest Service, general knowledge.

24 Q. Is it your anticipation that when we
25 get to -- what panel is it that is going to deal with

1 this; is it Panel 15, dealing in more detail with the
2 system?

3 MR. FREIDIN: The actual timber
4 management planning process?

5 Panel 15 is where we are going to talk
6 about what a plan is, how a plan is prepared, we are
7 going to present a plan and see what it is.

8 MR. WILLIAMS: Exhibit 5.

9 MR. MONZON: 5 is the forest products
10 industry.

11 MR. WILLIAMS: Okay.

12 Q. I am sorry, it was Panel 8 I was
13 thinking of in the context before resource management
14 decision-making. I think you referred to that a number
15 of times in testimony.

16 We will get into more specifics when we
17 get to that panel. I was just wondering if there was
18 going to be an introduction, by way of exhibits, of any
19 of the other plans that have -- or strategies that have
20 been used in other jurisdictions that are of note and
21 have been applied on a minimal basis in other
22 jurisdictions and would be of some assistance in giving
23 comparisons between what has been developed here under
24 your system and those other options that have been
25 projected or put aside for one reason or another or not

1 even considered.

2 I am just wondering if that kind of
3 information is going to be brought forward?

4 MR. DOUGLAS: A. That is not our intent.
5 I guess one of the things that we concluded from some
6 of the analysis -- when you look at other
7 jurisdictions, one of the things that is very critical
8 is making sure whatever you develop fits in the context
9 of the individual jurisdiction and you have to take
10 into account, for example, the number of resources that
11 are managed by a particular department.

12 You have to take into account the
13 existing legislative framework of the entire
14 jurisdiction, not just the particular agency that you
15 are from; you have to take into account the historical
16 development of either the way that resource is managed,
17 the tenure of the system, there is all kinds of things.

18 THE CHAIRMAN: Mr. Williams, I think
19 that --

20 MR. WILLIAMS: I just have one question.

21 THE CHAIRMAN: Just on this last point.

22 MR. WILLIAMS: Oh.

23 THE CHAIRMAN: That beyond the proponent
24 indicating that they have taken some things into
25 account from other jurisdictions and listing those

1 jurisdictions, I would not like to see the Board having
2 to have itself involved with an examination of other
3 planning systems of other jurisdictions, given the fact
4 that we have a particular application before us, a
5 particular planning system which we are going to be
6 considering -- because, frankly, I mean, you could pick
7 any number of jurisdictions and you would never end
8 this process.

21 I think it is a pretty broad and onerous
22 obligation to place upon the proponent in a particular
23 application to say: In order to support our case, we
24 are going to also present the whole picture of other
25 jurisdictions as well.

1 MR. WILLIAMS: Point taken.

2 Q. I just - in trying to determine - you
3 did mention, notwithstanding a couple of other
4 provincial jurisdictions and, to your knowledge, there
5 is nothing specifically that has been looked at as
6 regards forest management programs from our neighbours
7 to the south either at the federal or state level - you
8 are just not aware of any that were used to assist you
9 in discarding or accepting certain options that led up
10 to your IMR (sic) planning approach?

11 MR. DOUGLAS: A. I have looked at the
12 more general system. I haven't looked at ones, whether
13 we call it forest or timber management, in detail, but
14 I have looked at some of the state-wide plans for
15 various resources going back to my recreation days.

16 I certainly reviewed 10 or 15 state-line
17 recreation plans and certainly have an understanding of
18 the variation in the way water management is dealt with
19 by a number of jurisdictions or commissions, and there
20 is almost an infinite combination of ways that
21 organizations or jurisdictions set themselves up to
22 deal with either one resource or a combination of
23 resources.

24 You soon approach infinity when you look
25 at many jurisdictions.

1 Q. Nevertheless, you did take a look at
2 some of these things?

3 A. Yes.

4 MR. WILLIAMS: I guess I was tired, Mr.
5 Chairman, when I said the IMR planning approach, I
6 meant to say IRM planning approach.

7 MR. DOUGLAS: Yes. We didn't document
8 those in that document you are talking about, but the
9 people that were involved in putting it together, there
10 was three or four of us and we had a different -- we
11 had a knowledge base of what was done in other
12 jurisdictions and what people we talked to, their
13 views, and what was important and what wasn't
14 important, particularly the need to integrate
15 decision-making from the broad to the regional to the
16 local level was something that I think is commonly
17 accepted, and that is one reason why I responded the
18 way I did in terms of not trying to make a planning
19 document so broad that people get confused.

20 Q. Just one point of clarification. Did
21 you say that those outside references were in fact
22 referenced in here?

23 A. No, they weren't. They were based on
24 personal knowledge of myself and two or three of my
25 staff. We discussed that, but we didn't -- I cannot

1 give you a reference.

2 MR. WILLIAMS: Thank you, Mr. Douglas.

3 Mr. Chairman, panel, thank you very much.

4 THE CHAIRMAN: Thank you, Mr. Williams.

5 Thank you, panel.

6 That will end the proceedings today,
7 ladies and gentlemen.

8 We are going to adjourn until Tuesday,
9 May 24th at 1:00 p.m., Monday being the holiday and I
10 would remind the panel that they are still under
11 cross-examination and, therefore, not to be consulting
12 with counsel in the meantime.

13 MR. MONZON: That is fine with us.

14

15 ---Whereupon the hearing adjourned at 1:00 p.m., to be
16 reconvened on Tuesday, May 24th, 1988, commencing at
1:00 p.m.

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